

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

TULY LEPOLO,

Appellant,

vs.

STATE OF NEVADA,

Respondent,

Supreme Court Case No. 85631  
District Court Case No. C-20-345911-1  
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**APPELLANT'S APPENDIX  
Volume II**

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1 I would prefer not to be, and not to be in the position of  
2 having to decide, one way or the other. Not to say I feel strongly, one  
3 way, about prosecution or defense. I'm an attorney. I'm not a litigator. I  
4 have my own feelings about, you know, attorneys that I've dealt with and  
5 attorneys, more so, probably, than anything. But I would just prefer not  
6 to be in the position of deciding, one way or the other.

7 MR. GIORDANI: Okay. That's fair. You understand that,  
8 ultimately, it's going to be up to Judge Bluth, who stays and who -- who  
9 goes on this jury, right? It'll be up to the judge who ends up on this jury,  
10 ultimately?

11 PROSPECTIVE JUROR 260: Sure.

12 MR. GIORDANI: If you end up on the jury, are you able to  
13 listen to the evidence and make a decision at the end of the case? Or is it  
14 something that you're just --you're so uncomfortable sitting in  
15 judgment, you don't think you can get there?

16 PROSPECTIVE JUROR 260: I'll do my job. I -- it's a difficult  
17 question to ask, because I -- I think the same reason that draws me to  
18 being here today is the same reason I could reach a decision. But again,  
19 I --

20 MR. GIORDANI: Okay.

21 PROSPECTIVE JUROR 260: My ultimate preference would be  
22 to allow others who are comfortable doing that, make the choice -- or I  
23 shouldn't say "make the choice," review the evidence in the -- in the trial  
24 and -- and make that decision.

25 MR. GIORDANI: Okay. All right. I appreciate that. I have a

1 question now for the -- the group. If you can just hold on to the -- or, I  
2 guess, hand the mike on up. It's okay. Is there anyone in the first 32  
3 here, that knows or has friends in law enforcement, or has ever had a  
4 family member, or anything like that, in law enforcement? Okay. All  
5 right. Seeing a whole bunch of hands. So can you -- other than Ms.  
6 Charles, who I spoke to earlier -- are you referring to your son, Ms.  
7 Charles?

8 PROSPECTIVE JUROR 254: Uh-huh.

9 MR. GIORDANI: Is that a yes?

10 PROSPECTIVE JUROR 254: Yes.

11 MR. GIORDANI: Thank you. Can you pass that microphone  
12 down to seat 6 there, please. Ms. Acosta?

13 PROSPECTIVE JUROR 286: Yes.

14 MR. GIORDANI: Did you raise your hand?

15 PROSPECTIVE JUROR 286: No, I didn't.

16 MR. GIORDANI: Seat 5. And, Ms. Romero, you raised your  
17 hand?

18 PROSPECTIVE JUROR 608: I did.

19 MR. GIORDANI: And you have law enforcement in your  
20 family, or friends, or --

21 PROSPECTIVE JUROR 608: Just a friend.

22 MR. GIORDANI: Who's that?

23 PROSPECTIVE JUROR 608: Robert Ochsenhirt.

24 MR. GIORDANI: Oh, okay. He's with Las Vegas Metro  
25 Homicide.

1 PROSPECTIVE JUROR 608: He is.

2 MR. GIORDANI: Okay. You didn't hear his name on the  
3 witness list, did you?

4 PROSPECTIVE JUROR 608: No.

5 MR. GIORDANI: Okay. Is there anything about that particular  
6 relationship that would cause you to be unfair in this case?

7 PROSPECTIVE JUROR 608: No, I don't think so.

8 MR. GIORDANI: Okay. You heard a little bit of the exchange  
9 I had with your fellow jurors here. The idea is, we don't want people  
10 who are just going to automatically prejudge an officer, one way or  
11 another --

12 PROSPECTIVE JUROR 608: Uh-huh.

13 MR. GIORDANI: -- based on personal beliefs or individual  
14 relationships. Are you comfortable that you won't do that?

15 PROSPECTIVE JUROR 608: No, I don't think I would.

16 MR. GIORDANI: Okay. All right. Down to the next row, right  
17 in front of you there, ma'am. Can I have your Badge Number?

18 PROSPECTIVE JUROR 318: 318.

19 MR. GIORDANI: Yes, ma'am, Ms. Burns?

20 PROSPECTIVE JUROR 318: I have two nieces that are  
21 married to retired Lucas County sheriffs, in Ohio.

22 MR. GIORDANI: Okay.

23 PROSPECTIVE JUROR 318: And my son-in-law, here, is a  
24 retired North Las Vegas police officer.

25 MR. GIORDANI: Okay. How long ago did your son-in-law

1 retire?

2 PROSPECTIVE JUROR 318: Five years ago.

3 MR. GIORDANI: Okay. Did he -- was he ever assigned to the  
4 homicide unit?

5 PROSPECTIVE JUROR 318: I'm sorry, what?

6 MR. GIORDANI: Was he ever assigned to robbery, homicide  
7 in --

8 PROSPECTIVE JUROR 318: No.

9 MR. GIORDANI: -- Las Vegas?

10 PROSPECTIVE JUROR 318: No.

11 MR. GIORDANI: Do you talk -- or does he talk shop with --

12 PROSPECTIVE JUROR 318: No

13 MR. GIORDANI: -- you ever? Tell you stories?

14 PROSPECTIVE JUROR 318: No.

15 MR. GIORDANI: Do you have a -- an impression of law  
16 enforcement, as a whole, as a result of those relationships?

17 PROSPECTIVE JUROR 318: Well, not even the relationship.  
18 But I do think that most law enforcement are doing the best that they can  
19 do with what they have. Do they make mistakes? I'm sure they probably  
20 do. We all do.

21 MR. GIORDANI: Sure.

22 PROSPECTIVE JUROR 318: But I think most people try to do  
23 the best that they can do.

24 MR. GIORDANI: Okay. So it sounds to me like you're pretty  
25 neutral, when it comes to law enforcement?

1 PROSPECTIVE JUROR 318: I am.

2 MR. GIORDANI: All right. I might come back to you later,  
3 ma'am.

4 PROSPECTIVE JUROR 318: Okay.

5 MR. GIORDANI: Would you pass the microphone down to --  
6 we'll get to you as well, sir.

7 UNIDENTIFIED PROSPECTIVE JUROR: I didn't know where  
8 you were looking.

9 MR. GIORDANI: Yeah, sorry.

10 PROSPECTIVE JUROR 522: Badge Number --

11 MR. GIORDANI: I'll get this. Give me an hour or so.

12 PROSPECTIVE JUROR 522: Badge Number 522.

13 MR. GIORDANI: 522. Go ahead, ma'am.

14 PROSPECTIVE JUROR 318: I have --

15 MR. GIORDANI: I'm sorry.

16 PROSPECTIVE JUROR 318: -- a brother-in-law-once-  
17 removed, so it's actually my sister's brother-in-law. He was in law  
18 enforcement for many years. He was on K-9 unit. This is in California.

19 MR. GIORDANI: Okay.

20 PROSPECTIVE JUROR 318: And then was -- then went into  
21 gang unit in Santa Ana, California, just recently retired and now works  
22 for a sheriff's department.

23 MR. GIORDANI: Oh, okay. So he went back into law  
24 enforcement after full retirement?

25 PROSPECTIVE JUROR 318: Yeah, just doing, you know,

1 bailiff or something.

2 MR. GIORDANI: Oh, okay.

3 PROSPECTIVE JUROR 318: Yeah. Not on the streets  
4 anymore.

5 MR. GIORDANI: You know, as this goes along, the questions  
6 will move a little quick -- more quickly. You understand what I'm getting  
7 at with these questions. Do you have a feeling, one way or another, as  
8 to law enforcement --

9 PROSPECTIVE JUROR 318: No, it's like she said, you know,  
10 they do the best with what they have. There's good and bad in any  
11 occupation or field. My niece raised money for bulletproof vests for  
12 police dogs for many years. And we went to K-9 shows and met some  
13 wonderful police officers, and also met some jerks, quite frankly.

14 MR. GIORDANI: Fair enough.

15 PROSPECTIVE JUROR 318: You know? So it's -- you know,  
16 it's -- it's the individual that -- there's good and bad everywhere.

17 MR. GIORDANI: You're absolutely right. And all we're  
18 asking is that you -- I mean, both sides want the same thing. We want  
19 you to judge a witness based on what they have to say, not because  
20 they're wearing a badge or --

21 PROSPECTIVE JUROR 318: Right.

22 MR. GIORDANI: You know, we might have lay witnesses  
23 come off the street who are dressed in sweatpants or have food on their  
24 clothes. I mean, we want you to listen to them and not judge them  
25 based upon what they do, right? Do you think you can do that?



1 PROSPECTIVE JUROR 318: Absolutely.

2 MR. GIORDANI: Okay. Thank you, ma'am. You can pass  
3 that mike on.

4 PROSPECTIVE JUROR 304: I agree with them.

5 MR. GIORDANI: Okay. What's your Badge Number, please?

6 PROSPECTIVE JUROR 304: It's 304.

7 MR. GIORDANI: 304. You get what I'm asking?

8 PROSPECTIVE JUROR 304: Yeah, I get it.

9 MR. GIORDANI: Okay. And you think you --

10 PROSPECTIVE JUROR 304: I have a brother-in-law that was  
11 in -- he was border patrol. And my father's in -- he was U.S. Customs.

12 MR. GIORDANI: Okay.

13 PROSPECTIVE JUROR 304: But I'm pretty much neutral  
14 when it comes to it.

15 MR. GIORDANI: Got you. Thank you, sir.

16 PROSPECTIVE JUROR 304: Might as well steam it up.

17 MR. GIORDANI: Down. Hey, no. I get you. I appreciate that.  
18 Did you raise your hand, ma'am?

19 PROSPECTIVE JUROR 346: I did. My brother's a retired  
20 Metro police officer. He was in robbery, homicide, and also strip bikes  
21 when he worked for Metro.

22 MR. GIORDANI: Oh, okay.

23 PROSPECTIVE JUROR 346: But he's been retired for eight  
24 years, so I don't think that it will have any effect on my opinion.

25 MR. GIORDANI: Okay. What's your Badge Number?

1 PROSPECTIVE JUROR 346: 346.

2 MR. GIORDANI: Okay. Sorry about that.

3 PROSPECTIVE JUROR 346: Oh.

4 MR. GIORDANI: By tomorrow, we'll all be real familiar with

5 each other. Right now, I'm still asking. Who is your brother who was in

6 robbery, homicide?

7 PROSPECTIVE JUROR 346: His name is Gary Dale.

8 MR. GIORDANI: Okay. How long ago did he --

9 PROSPECTIVE JUROR 304: It's been at least eight years,

10 maybe longer.

11 MR. GIORDANI: Okay. It's Ms. Mazzanti, right?

12 PROSPECTIVE JUROR 304: Correct.

13 MR. GIORDANI: And you understand the line of questioning.

14 It sounds to me like you don't have any issues and you can --

15 PROSPECTIVE JUROR 304: I truly believe I can be neutral.

16 MR. GIORDANI: Good. Okay. And can you pass that down --

17 did you raise your hand, sir?

18 UNIDENTIFIED PROSPECTIVE JUROR: No.

19 MR. GIORDANI: No. Two down. And your Badge Number,

20 sir?

21 PROSPECTIVE JUROR 538: 538. My dad was a fireman and

22 a policeman for 23 years, outside of Boston, in the Dedham Police Force.

23 And so I grew up in that whole environment.

24 MR. GIORDANI: Do you have an impression of law

25 enforcement?

1 PROSPECTIVE JUROR 538: I probably have a different  
2 impression of law enforcement, at that time period, than today.

3 MR. GIORDANI: Oh.

4 PROSPECTIVE JUROR 538: You know, particularly on my  
5 DUI that I was charged, the officer that was involved with that, I have  
6 issues with, at that time.

7 MR. GIORDANI: Yeah.

8 PROSPECTIVE JUROR 538: But then I have other issues --  
9 you know, I have other praise for officers that helped my daughter, that  
10 did extra stuff, on their off time, to help her. So I'll probably echo the  
11 other jurors, there's good and bad in every occupation.

12 MR. GIORDANI: Absolutely.

13 PROSPECTIVE JUROR 538: I would say, a silent cop on a bad  
14 cop, makes him a bad cop these days, but I don't think it's a whole, as a  
15 community. But picking up in the same thing, you know, it's -- every --  
16 every profession, but it just seems more weighty these days than it did in  
17 the '60s and '70s.

18 MR. GIORDANI: More weight?

19 PROSPECTIVE JUROR 538: Yeah, I -- I think, back then, you  
20 know, when you get pulled over by a cop back then, you were more  
21 terrified about them calling your parents --

22 MR. GIORDANI: Okay.

23 PROSPECTIVE JUROR 538: -- than taking you to jail.

24 MR. GIORDANI: Yeah.

25 PROSPECTIVE JUROR 538: And maybe that's just the way

1 we were all brought up back in the day. Today, it just seems like you can  
2 be fearful when that happens. Maybe not so much for me, but, again, I --  
3 I don't want that to outweigh the good that all the good cops do and  
4 what they're going up against today for -- you know, I don't know if any  
5 paycheck's worth some of the stuff they have to deal with.

6 MR. GIORDANI: Right.

7 PROSPECTIVE JUROR 538: So, you know, it's -- there's  
8 issues there on -- on both sides. And I just think that's life where we're at  
9 right now, you know? I know what the cops are going up against much  
10 more gun use these days than back then. You know, it just is -- it just -- it  
11 seems to have just escalated over the last 35 years. That's just what  
12 we've all witnessed. And that's -- that's, kind of, where I stand. Just  
13 being honest with you.

14 MR. GIORDANI: No, I really appreciate that. And you bring  
15 up a couple of good points. We've all seen some horrendous behavior  
16 by police officers, in the media, right? I mean, we've all seen it. We've  
17 also, you know, think back to one October. The community came  
18 together and rallied -- rallied around them at that point, right?

19 PROSPECTIVE JUROR 538: Absolutely.

20 MR. GIORDANI: And so there's good and bad.

21 PROSPECTIVE JUROR 538: Our cops didn't run away. Our  
22 cops ran in.

23 MR. GIORDANI: Right. Exactly. And whatever opinion you  
24 have about beliefs, the point of this line of questioning is, can you just  
25 judge these cops, based on what they have to say and what they did in

1 this case, and not judge them based upon other stuff you've seen in the  
2 news or fell outside of this courtroom?

3 PROSPECTIVE JUROR 538: I'm going to judge the whole  
4 situation that way, not just on cops.

5 MR. GIORDANI: Okay. Okay.

6 PROSPECTIVE JUROR 538: You know? There's no winners  
7 in this. No matter which way it goes, there's no winners.

8 MR. GIORDANI: Right.

9 PROSPECTIVE JUROR 538: And that's the weight we're all  
10 feeling. I know that.

11 MR. GIORDANI: Absolutely. Yeah. Can I -- can I ask you,  
12 while I have you, a few questions about your daughter's situation?

13 PROSPECTIVE JUROR 538: Yes.

14 MR. GIORDANI: Okay. To me, it -- it just seems like the  
15 system failed you entirely.

16 PROSPECTIVE JUROR 538: It was very distressing, to the  
17 point my old East Coast almost came out --

18 MR. GIORDANI: Yeah.

19 PROSPECTIVE JUROR 538: -- to protect my daughter.

20 MR. GIORDANI: Sure.

21 PROSPECTIVE JUROR 538: And it was massively  
22 disappointing, with photographic evidence of black and blue all the way  
23 around my daughter's neck. And they were counting on me to protect  
24 her. And I asked the judge, if you're not believing me -- and I know this  
25 is not normal procedure -- but I want you to call my kids and I want you

1 to call this other person there as a witness, that -- and he didn't. He  
2 judged his decision on a CPS report that never interviewed the kids.  
3 Never interviewed the therapist that called in the report. Never called  
4 me, as the primary custody parent --

5 MR. GIORDANI: Wow.

6 PROSPECTIVE JUROR 538: -- and made that decision. I  
7 thought about appealing, but going by the percentages of how many of  
8 those are overturned -- also a horrendous number, I might add -- I didn't  
9 want to put my kids through that again. Unfortunately, my daughter is  
10 still dealing with the issues, not just of the abuse, of let's call it a family  
11 member, which, unfortunately, you know, when you go to learn-how-to-  
12 be-divorced class, they say 90 percent of abuse comes from the person's  
13 new significant person.

14 MR. GIORDANI: Yeah.

15 PROSPECTIVE JUROR 538: But she's still dealing with that.

16 MR. GIORDANI: Okay. So I really don't mean to pry, but I --

17 PROSPECTIVE JUROR 538: You can pry.

18 MR. GIORDANI: -- have to.

19 PROSPECTIVE JUROR 538: I -- this is important. You can  
20 pry.

21 MR. GIORDANI: So was it the same significant other -- the  
22 first abuse with both your children, as it was the second time with the  
23 string?

24 PROSPECTIVE JUROR 538: Yes.

25 MR. GIORDANI: Same guy?

1 PROSPECTIVE JUROR 538: Yep.

2 MR. GIORDANI: Okay. And you mentioned, earlier, with the  
3 judge, there's justice court and then there's family?

4 PROSPECTIVE JUROR 538: Correct.

5 MR. GIORDANI: Justice, and Family?

6 PROSPECTIVE JUROR 538: Yes.

7 MR. GIORDANI: The initial abuse with both your five -- your  
8 five, and eight, year old, was that reported in the criminal system?

9 PROSPECTIVE JUROR 538: No.

10 MR. GIORDANI: Okay. So this is just an issue -- that was just  
11 an issue that was dealt with in the family system?

12 PROSPECTIVE JUROR 538: Yes.

13 MR. GIORDANI: Okay.

14 PROSPECTIVE JUROR 538: Well, it was not dealt with.

15 MR. GIORDANI: Well, yeah. It sounds --

16 PROSPECTIVE JUROR 538: There was no place for them to  
17 go, on that situation.--

18 MR. GIORDANI: I got you. Is there a reason why there  
19 wasn't a criminal charges brought? I mean, was it reported at all, to law  
20 enforcement?

21 PROSPECTIVE JUROR 538: Yes.

22 MR. GIORDANI: And CPS is one thing, right?

23 PROSPECTIVE JUROR 538: Correct.

24 MR. GIORDANI: So it was reported to the police as well?

25 PROSPECTIVE JUROR 538: Yes.

1 MR. GIORDANI: Okay. Do you know why charges never  
2 came?

3 PROSPECTIVE JUROR 538: He's lucky. I have no idea, to be  
4 honest with you. I don't.

5 MR. GIORDANI: Okay.

6 PROSPECTIVE JUROR 538: I don't. It -- particularly, after  
7 multiple things, I just know my kids depended on me to protect them and  
8 I couldn't do it in that courtroom. And that judge, you know -- well, if  
9 you're familiar, the judge is appointed by someone to hear all the -- the  
10 cases, to -- you know, the restrictive orders.

11 MR. GIORDANI: What's the judge's name?

12 PROSPECTIVE JUROR 538: I don't have it, off the top of my  
13 head. It's -- he's an appointed guy. Like, he's not voted on, or anything  
14 like that. There --

15 MR. GIORDANI: I'm sorry.

16 THE COURT: Hearing master.

17 MR. GIORDANI: Is it Sullivan?

18 PROSPECTIVE JUROR 538: No. I can get the info if you need  
19 it.

20 MR. GIORDANI: No.

21 PROSPECTIVE JUROR 538: Not today, but --

22 MR. GIORDANI: No, no, no. It's obviously not Judge Bluth.  
23 And it doesn't -- you know, that is, kind of, separate.

24 PROSPECTIVE JUROR 538: Correct.

25 MR. GIORDANI: All right. So same -- same person. The



1 second time, that one -- it sounded like that one was reported?

2 PROSPECTIVE JUROR 538: Yes.

3 MR. GIORDANI: That made it to the criminal system as well,  
4 right?

5 PROSPECTIVE JUROR 538: That one --

6 MR. GIORDANI: Speak into the mike.

7 PROSPECTIVE JUROR 538: That one did not go to the --

8 MR. GIORDANI: Button on the very bottom. Okay.

9 PROSPECTIVE JUROR 538: Check. Hold on one second.

10 That one did not make it to the criminal system, with the strangulation.

11 MR. GIORDANI: Oh, it did not?

12 PROSPECTIVE JUROR 538: It did not.

13 MR. GIORDANI: The justice, that you talked about earlier,  
14 was the most recent?

15 PROSPECTIVE JUROR 538: The most recent, the -- the sexual  
16 assault?

17 MR. GIORDANI: That had nothing to do with --

18 PROSPECTIVE JUROR 538: That was a different person.

19 MR. GIORDANI: I understand. It was somebody on our -- in  
20 our neighborhood. I didn't know, at the time. My daughter, kind of, shut  
21 down. It was multiple times.

22 MR. GIORDANI: Yeah.

23 PROSPECTIVE JUROR 538: The DA's office did try to charge  
24 him. And the judge seemed -- I wasn't allowed in the courtroom -- and  
25 no one was. When there's a minor, apparently, with these type of things,

1 they try to keep the court as empty as possible. And from what the  
2 district attorney's office told me, is that the judge just wasn't getting the  
3 statute of what they were charging him with. And she had all questions,  
4 like she didn't even know the particular law.

5 MR. GIORDANI: What judge was that?

6 PROSPECTIVE JUROR 538: I don't know. I don't know. I can  
7 get to the information of my daughter's name. And it's very recent.

8 MR. GIORDANI: Okay. The judge might want to inquire of  
9 that later.

10 PROSPECTIVE JUROR 538: I have zero problem with that.

11 MR. GIORDANI: Okay. But all of this comes down to , kind  
12 of, some basic concepts, right? We don't want people that are -- you  
13 know, have gone through horrible things like this, and then that's going  
14 to carry over, and Mr. Lepolo's not going to get a fair trial. That's one of  
15 the basics. Do you think that that is a concern for you here?

16 PROSPECTIVE JUROR 538: I think every situation is based  
17 on the evidence. And you -- you would hope that the justice system  
18 serves whoever's in the courtroom, because it can be any one of us, and  
19 we would want that, as well.

20 MR. GIORDANI: Sure.

21 PROSPECTIVE JUROR 538: You know, is that the way life  
22 works? No, not all the time. But in my position, I'd like to think I'm a fair  
23 person, and a common-sense person, and I would want the same for me  
24 if I was sitting in either chair.

25 MR. GIORDANI: Either chair -- Mr. Lepolo's chair or our

1 chair, right?

2 PROSPECTIVE JUROR 538: Correct.

3 MR. GIORDANI: Okay. Is there anything about the way --  
4 well, I guess you just answered the question. The system failed you.  
5 We, the prosecutor, judges, we're part of the system, right? Is there  
6 anything about that that might bleed over here as to how it may affect  
7 us or the court?

8 PROSPECTIVE JUROR 538: No, I don't -- and I don't think the  
9 prosecutors failed my daughter on the last episode. I thought the judge  
10 failed my -- my daughter. And, you know, we can work on that at the  
11 voting booth.

12 MR. GIORDANI: Absolutely.

13 PROSPECTIVE JUROR 538: So, no, in that particular case.  
14 No, I do not.

15 MR. GIORDANI: Okay. I might -- may come back to you  
16 later --

17 PROSPECTIVE JUROR 538: Sure.

18 MR. GIORDANI: -- sir, okay? And, law enforcement, if you  
19 could pass it down to -- two spots. Can I have your Badge Number, sir?

20 PROSPECTIVE JUROR 379: 580, Martin.

21 MR. GIORDANI: Mr. Martin?

22 PROSPECTIVE JUROR 379: Yes.

23 MR. GIORDANI: All right. Who do you know in law  
24 enforcement, sir?

25 PROSPECTIVE JUROR 379: Well, I -- I used to be in the

1 military.

2 MR. GIORDANI: Oh.

3 PROSPECTIVE JUROR 379: Many, many moons ago.

4 MR. GIORDANI: yes, sir.

5 PROSPECTIVE JUROR 379: And I spent my first 12 or 13  
6 years was actually a security officer.

7 MR. GIORDANI: Oh, okay.

8 PROSPECTIVE JUROR 379: I was in the military police.

9 MR. GIORDANI: Okay.

10 PROSPECTIVE JUROR 379: And even back in the early '80s, I  
11 took a deal. Said, this is not for me.

12 MR. GIORDANI: Oh, wow.

13 PROSPECTIVE JUROR 379: Yeah. I said -- I said, do I really  
14 want a little work after I retire at 39 or 40 years old. Do I really want to,  
15 you know, I mean, stay in law enforcement?

16 MR. GIORDANI: Uh-huh.

17 PROSPECTIVE JUROR 379: So I actually cross-trained with  
18 the logistics.

19 MR. GIORDANI: Okay.

20 PROSPECTIVE JUROR 379: And then I finished my career.

21 And then I actually retired. It was in '96, from the military. And I had  
22 every hunting rifle that you can own. I had the .44 magnums, I had the  
23 .357 magnums, I had a .338, I had a .308 and .30-06. Over the years,  
24 since then, I have got rid of all of them. Now, I -- I'm a big guy. I am not  
25 afraid of guns. It's just, I personally think there's too many guns on the

1 street. As same way that I said earlier.

2 MR. GIORDANI: Sure.

3 PROSPECTIVE JUROR 379: You know, until our country does  
4 something, you know, I mean, about it, you know, they will pass a bill to  
5 make somebody happy somewhere.

6 MR. GIORDANI: Yeah.

7 PROSPECTIVE JUROR 379: But, I mean -- I mean, I hate to  
8 say it, but the cops, there is no way I would be a cop in any city today,  
9 small or large. Because I'll be honest, the cops don't get a fair shake. I  
10 mean, granted, they are -- they're not all good. And there's bad and  
11 good, the same way the gentleman said. But, man, it is tough out there  
12 to stay in law enforcement.

13 MR. GIORDANI: Yeah. So let me back up a moment.

14 PROSPECTIVE JUROR 379: Okay.

15 MR. GIORDANI: You served in -- in the military. You were a  
16 military police officer?

17 PROSPECTIVE JUROR 379: Yes.

18 MR. GIORDANI: You decided, way back then, I don't want  
19 any part of this law enforcement thing?

20 PROSPECTIVE JUROR 379: Absolutely.

21 MR. GIORDANI: And is that -- was the reasoning behind that  
22 the same as what you're talking about now, or is it --

23 PROSPECTIVE JUROR 379: Some, yes, and some, no. You  
24 know, I had friends and he was in the military. They didn't always do the  
25 right thing.

1 MR. GIORDANI: Sure.

2 PROSPECTIVE JUROR 379: And I knew that, you know?

3 They would sometimes go out and pull -- you know, "Well, the guy's  
4 weaving a little bit." Everybody weaves going down the street. I mean,  
5 face it. You know what I mean? What you see and I see, A, is two  
6 different things, you know? I understand that they take advantage  
7 sometimes.

8 MR. GIORDANI: Okay.

9 PROSPECTIVE JUROR 379: And there's good with bad. And  
10 that gives the good cops a bad name.

11 MR. GIORDANI: Right. You heard the -- the questioning. I  
12 mean, you understand. I'm asking these questions because I need to  
13 know --

14 PROSPECTIVE JUROR 379: Yes.

15 MR. GIORDANI: -- if you can be fair. Assume, for the sake of  
16 argument, you're going to see a few law enforcement officers testify.

17 PROSPECTIVE JUROR 379: Yes.

18 MR. GIORDANI: Can you judge them based upon what they  
19 have to say?

20 PROSPECTIVE JUROR 379: Yes.

21 MR. GIORDANI: And, I guess, the nature of their testimony  
22 and whether it makes sense to you, as an individual?

23 PROSPECTIVE JUROR 379: Yes.

24 MR. GIORDANI: Okay. Getting away from law enforcement  
25 and focusing a little more specifically on guns.

1 PROSPECTIVE JUROR 379: Okay.

2 MR. GIORDANI: I agree, entirely. There's way to many guns  
3 on the street.

4 PROSPECTIVE JUROR 379: There's 318 million, is the last  
5 count. It is what I heard the other night. I don't know. It's what the  
6 news said.

7 MR. GIORDANI: And the population of the United States is  
8 somewhere close to that, right?

9 PROSPECTIVE JUROR 379: Three thirty, 340.

10 MR. GIORDANI: Right. So at least a gun for --

11 PROSPECTIVE JUROR 379: Yeah.

12 MR. GIORDANI: -- every person in the U.S., right?

13 PROSPECTIVE JUROR 379: Yeah.

14 MR. GIORDANI: Problematic, I would guess?

15 PROSPECTIVE JUROR 379: Yeah.

16 MR. GIORDANI: What we're asking you to do here, is judge  
17 the crimes that we have charged Mr. Lepolo with, not -- based upon the  
18 evidence, not on whether there -- the gun should've been there in the  
19 first place; assuming there was a gun there, right?

20 You seem very passionate about this. Are you going to be  
21 able to listen to the evidence and judge the evidence based upon, I  
22 guess, common sense and your own personal beliefs? Or is your  
23 personal passion about this issue going to overpower logic and reason?

24 PROSPECTIVE JUROR 379: No, I don't -- I think I can make a  
25 rational decision.

1 MR. GIORDANI: Okay. That was a weirdly worded question.  
2 PROSPECTIVE JUROR 379: Yeah.  
3 MR. GIORDANI: I should've said, can you make a rational  
4 decision?  
5 PROSPECTIVE JUROR 379: Yeah.  
6 MR. GIORDANI: Okay.  
7 PROSPECTIVE JUROR 379: Yeah.  
8 MR. GIORDANI: Okay. All right. We -- you know, we could  
9 have a gun debate all day.  
10 PROSPECTIVE JUROR 379: Oh, I know.  
11 MR. GIORDANI: That's not what --  
12 PROSPECTIVE JUROR 379: It's wrong today, right tomorrow,  
13 and then it's wrong again the day after tomorrow.  
14 MR. GIORDANI: Yep. Yeah. All right. Thank you, sir. You  
15 can pass the microphone down. There's somebody up front here who  
16 raised their hand about law enforcement. I want to reach them here.  
17 UNIDENTIFIED PROSPECTIVE JUROR: Here you go.  
18 MR. GIORDANI: Thank you. Ma'am. Ma'am, tell me your  
19 Badge Number?  
20 PROSPECTIVE JUROR 380: 380.  
21 MR. GIORDANI: 380. Who do you know in law enforcement?  
22 PROSPECTIVE JUROR 380: So I did an internship with CSI,  
23 when I was getting my second bachelor's.  
24 MR. GIORDANI: Oh, okay.  
25 PROSPECTIVE JUROR 380: I know Assistant Sheriff Andy



1 Walsh.

2 MR. GIORDANI: Okay.

3 PROSPECTIVE JUROR 380: And then I also worked at Metro  
4 for three years, in the Fusion Center.

5 MR. GIORDANI: Got you. And it's Ms. Jackson-Hale, for the  
6 record?

7 PROSPECTIVE JUROR 380: Yes.

8 MR. GIORDANI: And you also worked at Boyd's School of  
9 Law?

10 PROSPECTIVE JUROR 380: Correct.

11 MR. GIORDANI: For --

12 PROSPECTIVE JUROR 380: About seven years.

13 MR. GIORDANI: Okay. And you were -- well, let's go back to  
14 law enforcement. You obviously know what I'm talking about now, or  
15 you get the line of questioning. Is there anything about your personal  
16 relationships and your personal background in law enforcement that  
17 might cause you to be unfair here?

18 PROSPECTIVE JUROR 380: No, not at all.

19 MR. GIORDANI: You can judge police officers like you would  
20 anybody else?

21 PROSPECTIVE JUROR 380: Yes.

22 MR. GIORDANI: If they take the witness stand?

23 PROSPECTIVE JUROR 380: Yes. Absolutely.

24 MR. GIORDANI: And so you worked with CSI? Like --

25 PROSPECTIVE JUROR 380: I did an --

1 MR. GIORDANI: -- did you go out --  
2 PROSPECTIVE JUROR 380: -- internship with CSI.  
3 MR. GIORDANI: Went out in the field?  
4 PROSPECTIVE JUROR 380: Uh-huh.  
5 MR. GIORDANI: Processed crime scenes?  
6 PROSPECTIVE JUROR 380: Correct.  
7 MR. GIORDANI: Did you see any murders or dead bodies?  
8 PROSPECTIVE JUROR 380: No.  
9 MR. GIORDANI: Okay. So you went out on what type of  
10 calls?  
11 PROSPECTIVE JUROR 380: Mostly, like, domestic violence.  
12 MR. GIORDANI: Okay.  
13 PROSPECTIVE JUROR 380: Burglary, robbery.  
14 MR. GIORDANI: And you -- you sit through -- there's the  
15 briefing and then the overall photography. And you sat through that  
16 whole process and -- and worked alongside them?  
17 PROSPECTIVE JUROR 380: So, not necessarily the briefing.  
18 We would sit over --  
19 MR. GIORDANI: Okay.  
20 PROSPECTIVE JUROR 380: -- at the office on Badura, and --  
21 MR. GIORDANI: Yeah.  
22 PROSPECTIVE JUROR 380: -- then they would rotate through  
23 the calls, and then we would get called out. So I think there was one  
24 homicide, but they didn't take me out for that one --  
25 MR. GIORDANI: Oh.

1 PROSPECTIVE JUROR 380: -- because it was really  
2 extensive.

3 MR. GIORDANI: Sure. Okay. And I imagine you interacted  
4 with several people on that witness list?

5 PROSPECTIVE JUROR 380: I have not. I don't recognize --

6 MR. GIORDANI: Oh, you don't?

7 PROSPECTIVE JUROR 380: -- any of the names.

8 MR. GIORDANI: Oh, okay.

9 PROSPECTIVE JUROR 380: No.

10 MR. GIORDANI: Okay. You might -- as they come in and  
11 testify, you might recognize faces and not necessarily know their names?

12 PROSPECTIVE JUROR 380: I don't think that I've worked with  
13 anyone in homicide.

14 MR. GIORDANI: Okay. I'm sorry, I'm referring specifically to  
15 all the crime scene analysts I read off.

16 PROSPECTIVE JUROR 380: Oh, okay.

17 MR. GIORDANI: They work all types of crimes.

18 PROSPECTIVE JUROR 380: Uh-huh.

19 MR. GIORDANI: This one happens to be a homicide, but  
20 there may have been -- you know, there may be faces that you recognize,  
21 where you might not know the crime scene analyst's name. Is that going  
22 to be, in any way, problematic for you?

23 PROSPECTIVE JUROR 380: No, not at all.

24 MR. GIORDANI: Okay. All right. Thank you. Anyone else in  
25 the front row know law enforcement? And in the back row there.

1 PROSPECTIVE JUROR 597: My Badge Number is 597. I have  
2 an uncle that's a police officer, in California. And I know we -- I'm family  
3 friends with a police officer here. His last name is Scott, but I know him  
4 as AJ. I don't know if that's actually his first name, but that's who --

5 MR. GIORDANI: Oh, okay.

6 PROSPECTIVE JUROR 597: -- I know in law enforcement.

7 MR. GIORDANI: Okay. Is he -- there's a -- there's an Officer  
8 Scott that might testify in this case.

9 PROSPECTIVE JUROR 597: Uh-huh. I heard the name Scott,  
10 but I wasn't sure if, like, AJ was literally his first name or not, or that's  
11 just his nickname. I know of him as AJ. I barely talk with him or  
12 communicate with him. But it's -- I -- you asked the question, do I know  
13 anybody here in law enforcement? Technically, yes, I do.

14 MR. GIORDANI: What is -- just very general description;  
15 what does he look like, your friend AJ?

16 PROSPECTIVE JUROR 597: He's a taller guy. He's not, like,  
17 big-big, but I want to --like, husky, I guess you could say.

18 MR. GIORDANI: Okay. That's not this officer.

19 PROSPECTIVE JUROR 597: Okay.

20 MR. GIORDANI: What --

21 PROSPECTIVE JUROR 597: I just wanted to be sure.

22 MR. GIORDANI: Okay.

23 PROSPECTIVE JUROR 597: Because I heard "Scott." I was,  
24 like, is that the Scott I know? But --

25 MR. GIORDANI: It sounds like it's not. So other than that,

1 now that you know it's not him, do you have any concerns about being  
2 fair and impartial?

3 PROSPECTIVE JUROR 597: No, none at all.

4 MR. GIORDANI: Okay. Thank you very much. Mr. Monarrez,  
5 right?

6 PROSPECTIVE JUROR 597: Yes.

7 MR. GIORDANI: Anyone else in this row? Can you pass the  
8 microphone down to the gentleman in the suit, next to you? Your Badge  
9 Number, sir?

10 PROSPECTIVE JUROR 607: 607.

11 MR. GIORDANI: It's a bit related to that question and kind of  
12 unrelated in a way. I remember you speaking quite a bit about armed  
13 security?

14 PROSPECTIVE JUROR 607: Yes.

15 MR. GIORDANI: Your kid -- or, actually, two of your kids are  
16 in security?

17 PROSPECTIVE JUROR 607: One of my sons is a bodyguard,  
18 and the other one, a security officer.

19 MR. GIORDANI: Okay. And, you know, we -- I focused  
20 mostly on police, but I would consider that law enforcement in a way.

21 PROSPECTIVE JUROR 607: Oh, okay.

22 MR. GIORDANI: Sometimes security gets involved and they  
23 have to break up fights.

24 PROSPECTIVE JUROR 607: Correct.

25 MR. GIORDANI: And then do police reports and be witnesses

1 in cases. Do you have a feeling, one way or another, about law  
2 enforcement as a whole?

3 PROSPECTIVE JUROR 607: No. Anything about your  
4 relationship, obviously with your -- your children and their employment,  
5 that might cause you to be unfair?

6 PROSPECTIVE JUROR 607: No, I just tell them to the right  
7 thing and follow procedures.

8 MR. GIORDANI: Perfect. Okay. And did you say you've got  
9 a background in --

10 PROSPECTIVE JUROR 607: Yes, I do security also. I have a  
11 full-time job as a teacher and security.

12 MR. GIORDANI: Oh, wow. Okay.

13 PROSPECTIVE JUROR 607: Yes.

14 MR. GIORDANI: That's right. So Clark County School  
15 District, and --

16 PROSPECTIVE JUROR 607: Also with Allied Universal.

17 MR. GIORDANI: That's right. Okay. Have you ever had to be  
18 a -- a witness in a criminal case?

19 PROSPECTIVE JUROR 607: No.

20 MR. GIORDANI: or make contact with -- with Metro or any  
21 other law enforcement agency?

22 PROSPECTIVE JUROR 607: I have made contact on calls, but  
23 never a witness.

24 MR. GIORDANI: Okay. Likewise, I mean, considering your  
25 background, do you think you can be fair and impartial?

1 PROSPECTIVE JUROR 607: Of course.

2 MR. GIORDANI: Okay. Thank you, sir. All right. Is there  
3 anyone in the first 32 here that I've spoken to -- not ignoring you, just not  
4 to you yet -- that has any background in criminal justice or crime-related  
5 studies, other than what I've already talked to a couple of these folks on?  
6 Nobody else? Can I have your Badge Number, sir?

7 PROSPECTIVE JUROR 455: It's 455.

8 MR. GIORDANI: And what's your background in crime or --

9 PROSPECTIVE JUROR 455: Well, my -- my -- I -- I did my first  
10 year of law school way back when.

11 MR. GIORDANI: Oh, yeah. And you decided against it?

12 PROSPECTIVE JUROR 455: It wasn't my cup of tea, but I did  
13 like the contracts I've used -- which I use in business.

14 MR. GIORDANI: All right. You didn't have any particular  
15 focus on crime or criminal justice, it was just --

16 PROSPECTIVE JUROR 455: No, we did torts, criminal law,  
17 Constitution, and real estate.

18 MR. GIORDANI: All right. And anything about that, that  
19 would affect your ability to be fair and impartial?

20 PROSPECTIVE JUROR 455: No, sir.

21 MR. GIORDANI: The judge will tell you what the law is, at the  
22 end of this case. She's going to give you a packet on the law. That has  
23 to be the law that you follow. You can't bring in your own, you know,  
24 education or knowledge about the law. Is that okay by you?

25 PROSPECTIVE JUROR 455: Understood.

1 MR. GIORDANI: Okay. Thank you, sir. Anyone else? Does  
2 anyone else in this group of 32, listen to crime podcasts or watch crime  
3 shows on a regular basis? Let's put it that way. Okay. Pass that  
4 microphone up to the first person. All right.

5 PROSPECTIVE JUROR 608: Hello.

6 MR. GIORDANI: Your Badge Number, ma'am?

7 PROSPECTIVE JUROR 608: Oh. Oh, I'm so sorry. I believe  
8 it's 608. I think I put it away. Hold on.

9 MR. GIORDANI: 608?

10 PROSPECTIVE JUROR 608: is that -- oh, hold on. No. Yes,  
11 608. Sorry.

12 MR. GIORDANI: No, you're right. Ms. Romero?

13 PROSPECTIVE JUROR 608: Uh-huh.

14 MR. GIORDANI: What -- can you give me an example of  
15 what you watch or listen to?

16 PROSPECTIVE JUROR 608: Like, Dateline, Buried in the  
17 Backyard, you know? I'm a big ID fan.

18 MR. GIORDANI: 2020?

19 PROSPECTIVE JUROR 608: Yeah, all that.

20 MR. GIORDANI: Okay.

21 PROSPECTIVE JUROR 608: Yep.

22 MR. GIORDANI: Some of that is editorialized; would you  
23 agree there?

24 PROSPECTIVE JUROR 608: Yes.

25 MR. GIORDANI: And some of it may be fact based, but



1 they're trying to sell ads, some TV time, right?

2 PROSPECTIVE JUROR 608: Yes.

3 MR. GIORDANI: Okay. Do you believe that -- well, do you  
4 think that you can set aside whatever interests you have with those  
5 crime-related shows, and just, you know, pay attention to the evidence  
6 as it comes out here in the courtroom?

7 PROSPECTIVE JUROR 608: I would -- I would like to think I  
8 could, yes.

9 MR. GIORDANI: Okay. You're hesitant?

10 PROSPECTIVE JUROR 608: I mean, I've never been in this  
11 whole environment, so I have -- I really don't know. This is the first time  
12 for me.

13 MR. GIORDANI: Okay.

14 PROSPECTIVE JUROR 608: Never been in a courtroom. I  
15 just -- yeah.

16 MR. GIORDANI: Fair enough. Fair enough. Some of these  
17 questions are poorly worded, so I apologize. Let me just ask you very  
18 simply.

19 PROSPECTIVE JUROR 608: Okay.

20 MR. GIORDANI: Is there anything about your personal  
21 interest in crime that might cause you, for whatever reason, to be unfair  
22 to either Mr. Lepolo or his lawyer, or us, the State?

23 PROSPECTIVE JUROR 608: No, I don't think so.

24 MR. GIORDANI: Okay. And do you listen to any crime  
25 podcasts?

1 PROSPECTIVE JUROR 608: I do not.

2 MR. GIORDANI: All right. You can pass the microphone  
3 down. Ma'am, your Badge Number, please?

4 PROSPECTIVE JUROR 510: 510.

5 MR. GIORDANI: What shows or podcasts do you listen to or  
6 watch?

7 PROSPECTIVE JUROR 510: Just television shows and shows  
8 like The First 48.

9 MR. GIORDANI: Okay.

10 PROSPECTIVE JUROR 510: And then --

11 MR. GIORDANI: The First 48 is one of the few that's actually  
12 reality -- basically, reality television, right?

13 PROSPECTIVE JUROR 510: Uh-huh.

14 MR. GIORDANI: And they follow -- it's always homicides, I  
15 believe.

16 PROSPECTIVE JUROR 510: Uh-huh.

17 MR. GIORDANI: And then they follow the detectives as they,  
18 I guess, work the case for the first 48 hours; is that correct?

19 PROSPECTIVE JUROR 510: Yes. Yes.

20 MR. GIORDANI: Do you -- would you agree with me that not  
21 all homicides are solved in the first 48 hours?

22 PROSPECTIVE JUROR 510: Correct. Yes.

23 MR. GIORDANI: Actually, probably a good chunk aren't,  
24 right?

25 PROSPECTIVE JUROR 510: Correct. Yeah.

1 MR. GIORDANI: When you -- if you end up on this jury,  
2 you're going to have to sit and listen to evidence as it plays out over,  
3 you know, four or five days or so?

4 PROSPECTIVE JUROR 510: Uh-huh.

5 MR. GIORDANI: Do you think that you can do that, wait in  
6 forming your opinion until all the evidence is before you?

7 PROSPECTIVE JUROR 510: Absolutely. Yes.

8 MR. GIORDANI: And anything about your interest in True  
9 Crime, that --

10 PROSPECTIVE JUROR 510: None at all.

11 MR. GIORDANI: -- would cause you concern?

12 PROSPECTIVE JUROR 510: No.

13 MR. GIORDANI: Okay. All right. Thank you, ma'am. You  
14 can pass that microphone down. I believe you raised your hand, sir?

15 PROSPECTIVE JUROR 269: Yes, sir.

16 MR. GIORDANI: Badge Number?

17 PROSPECTIVE JUROR 269: 269.

18 MR. GIORDANI: What do you watch or listen to, sir?

19 PROSPECTIVE JUROR 269: I mostly listen to True Crime  
20 podcasts. But that covers more like serial killers and cults kind of thing.

21 MR. GIORDANI: Okay.

22 PROSPECTIVE JUROR 269: I watch True Crime TV, if it's on,  
23 but I don't go out of my way to watch it.

24 MR. GIORDANI: All right. True Crime, meaning fact-based  
25 stuff?

1 PROSPECTIVE JUROR 269: Yes.

2 MR. GIORDANI: Both podcasts and the shows you watch are  
3 all fact based?

4 PROSPECTIVE JUROR 269: Yes.

5 MR. GIORDANI: And are they typically -- at least the  
6 podcasts, are they typically about closed prior cases, or are they ongoing  
7 cases?

8 PROSPECTIVE JUROR 269: Closed prior cases.

9 MR. GIORDANI: Got you. Okay. Anything about that, that  
10 might cause you to be --

11 PROSPECTIVE JUROR 269: Not at all, no.

12 MR. GIORDANI: -- not a good fit for this jury?

13 PROSPECTIVE JUROR 269: No.

14 MR. GIORDANI: Okay. Thank you, sir. Pass that down. Mr.  
15 Auten, sir?

16 PROSPECTIVE JUROR 260: 260. Yeah. Nothing that would  
17 affect -- as compared to our prior discussion, nothing in this scenario.  
18 But I do -- I mean, I watch a fair number of documentaries or limited  
19 series. I finished one yesterday, for example. But --

20 MR. GIORDANI: What did you finish yesterday?

21 PROSPECTIVE JUROR 260: I -- the Hillside Strangler.

22 MR. GIORDANI: Oh, yes.

23 PROSPECTIVE JUROR 260: I watch a limited series on --  
24 that's the two people who were ultimately accused and found guilty.

25 MR. GIORDANI: And that was on Netflix? Or something

1 else?

2 PROSPECTIVE JUROR 260: I think it was on Peacock.

3 MR. GIORDANI: Okay. Okay. And it sounds like there's no  
4 issues there?

5 PROSPECTIVE JUROR 260: Not in this regard, no.

6 MR. GIORDANI: In this regard?

7 PROSPECTIVE JUROR 260: Yeah.

8 MR. GIORDANI: Okay. All right. Thank you. And I'm going  
9 to -- instead of going to each one of you about this, is there anyone that  
10 watches these shows or podcasts and thinks real strong -- strongly about  
11 the criminal justice system as a result? In other words, I'm thinking of  
12 one. I can't think of the name of the podcast, but there's this murder that  
13 happened. A young girl was -- was killed. This individual was convicted  
14 after a trial and then his appellate lawyers did some digging. And now  
15 there's a podcast about all his appeals and how he's trying to get out  
16 from under it. Does anyone know what I'm talking about? Please help  
17 me.

18 UNIDENTIFIED PROSPECTIVE JUROR: Serial.

19 MR. GIORDANI: Serial. Yes. Okay. Does anyone or has  
20 anyone watched Serial? Ma'am?

21 UNIDENTIFIED PROSPECTIVE JUROR: I just -- someone was  
22 -- recommended it to me. I haven't started it yet, but --

23 MR. GIORDANI: Oh.

24 UNIDENTIFIED PROSPECTIVE JUROR: -- but they gave me  
25 the background on it.

1 MR. GIORDANI: Okay. And that sounded kind of like --

2 UNIDENTIFIED PROSPECTIVE JUROR: Yeah.

3 MR. GIORDANI: -- what I was --

4 UNIDENTIFIED PROSPECTIVE JUROR: Yeah.

5 MR. GIORDANI: -- butchering there?

6 UNIDENTIFIED PROSPECTIVE JUROR: Yeah.

7 MR. GIORDANI: Okay. Has anyone else watched Serial?

8 Okay. And I'm just going to get to the point here. What you see on TV,  
9 what you hear on podcasts, that can't have any bearing on this reality.

10 This is a murder case. A real human being is dead. A real  
11 human being is sitting there on trial. Heavy, heavy stakes. And we can't  
12 have people, you know, who aren't realistic about this, or who -- who  
13 may have unrealistic expectations.

14 Is there anyone that has concern, based upon what I just  
15 said, in sitting on this jury? It looks like everyone understands it and  
16 there's no issues and no hands. Thank you. Thank you.

17 THE COURT: All right. So it generally takes us about two  
18 days to pick a jury. I anticipate us having the jury tomorrow. I have a  
19 criminal calendar tomorrow that starts at 9:30. It'll probably go about  
20 two hours. So I'll have you guys back here tomorrow at 11:30. Just pay  
21 attention to where you're sitting, because those are the seats that you  
22 will return to, except my guys over here. When you get here, Officer  
23 Kennis will line you up and then you'll just go in with the other jurors.

24 So I feel like there's -- oh, yeah. There was one other thing  
25 that I wanted to say. So tomorrow, since we're coming in the afternoon,

1 we won't be taking a lunch break. So come fed, or bring snacks or  
2 something. Of course I'll give you breaks throughout the day, but we  
3 won't be taking, like, an hour lunch break, just because I want to try and  
4 get the jury. So the rest of you who aren't selected can go on your way.

5 So 11 30. Please, during this recess, remember not to  
6 discuss or communicate with anyone, including any fellow jurors, in  
7 regards to any of the facts of the case. Please do not -- in any way,  
8 regarding the case or its merits, either by voice, phone, email, text,  
9 internet, or other means of communication or social media.

10 Please do not read, watch, or listen to any news media  
11 accounts or commentary about the case, do any research, such as  
12 consulting dictionaries, using the internet, or using any other reference  
13 materials. Please not make any investigation, test the theory of the case,  
14 recreate any aspect of the case, or in any other way attempt to learn or  
15 investigate the case on your own.

16 And please do not form or express any opinion, regarding  
17 the matter, until it's formally submitted to you. We'll see you back here  
18 tomorrow morning at 11:30. Eleven three zero. Have a nice night.

19 Thank you.

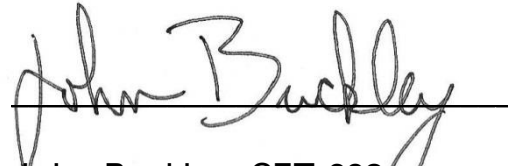
20 THE MARSHAL: All rise for the jury.

21 [Jury out at 4:56 p.m.]

22 [Proceedings adjourned at 4:57 p.m.]

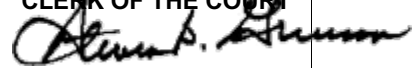
23 \* \* \* \* \*

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

4  
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6 \_\_\_\_\_  
7 John Buckley, CET-623  
8 Court Recorder/Transcriber  
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1 RTRAN

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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7  
8 THE STATE OF NEVADA,  
9 Plaintiff,

10 vs.

11 TULY LEPOLO, #8471381,  
12 Defendant.

)  
) CASE#: C-20-345911-1  
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13 BEFORE THE HONORABLE JACQUELINE BLUTH  
14 DISTRICT COURT JUDGE  
THURSDAY, AUGUST 18, 2022

15 **RECORDER'S TRANSCRIPT OF JURY TRIAL - DAY 2**

16  
17 APPEARANCES:

18 For the Plaintiff:

JOHN GIORDANI, ESQ.  
ELISA CONLIN, ESQ.

19  
20 For the Defendant:

JASON MARGOLIS, ESQ.

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25 RECORDED BY: DE'AWNA TAKAS, COURT RECORDER

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WITNESSES FOR THE PLAINTIFF

None

WITNESSES FOR THE DEFENDANT

None

1 Las Vegas, Nevada, Thursday, August 18, 2022

2

3 [Case called at 11:44 a.m.]

4 THE COURT: All right. We are on the record in State of  
5 Nevada v. Tuly Lepolo, C-345911-1. Mr. Lepolo is present in custody,  
6 Mr. Margolis present on his behalf, with paralegal, Mr. Mendoza. Both  
7 Deputy District Attorneys, Mr. Giordani, as well as Ms. Conlin are present  
8 behalf of the State outside; we're outside the presence of the jury.

9 The State has filed an amended information this morning  
10 changing the department number, as well as an, aka, or alias number.

11 Have had an opportunity to review that, Mr. Margolis?

12 MR. MARGOLIS: I did, Your Honor.

13 THE COURT: Okay. All right. And it's my understanding that  
14 we need to qualify this jury for both phases; is that correct?

15 MR. MARGOLIS: [No verbal response].

16 THE COURT: Okay. Sounds good. All right. We can bring  
17 them in now. Thank you.

18 THE MARSHAL: All rise.

19 [Prospective Jurors in at 11:44 a.m.]

20 THE COURT: All right. Welcome, everybody. Thank you.  
21 Please be seated.

22 We are on the record in State of Nevada v. Tuly Lepolo,  
23 C-345911. Mr. Lepolo is present with counsel, Mr. Margolis, as well as  
24 present Mr. Mendoza, both Deputy District Attorneys, Mr. Giordani, as  
25 well as Ms. Conlin are present on behalf of the State.

1 Do the parties, stipulate to the presence of the jury.

2 MR. GIORDANI: We do, Your Honor.

3 MR. MARGOLIS: Yes, Your Honor.

4 THE COURT: All right. So those of you that are joining us  
5 this morning we have already been here for a day selecting a jury. There  
6 may be a point in time where I have to get you guys all caught up to  
7 where we are right now, but as of right now, I don't need to do that yet.  
8 So there are 1, 2, 3, 4 -- there are six individuals left over there. If we get  
9 through them, that means we move into your group.

10 So I will get you guys caught up if that occurs. Like I stated,  
11 what you just need to know as of right now is this is a trial that should  
12 last about a week, a week and a half. It is one charge of murder with use  
13 of a deadly weapon and one charge of assault with use of a deadly  
14 weapon, okay.

15 For those of us that have been here since yesterday, I'm  
16 going to turn it over to the State in a moment, but one thing that I do  
17 need to -- we need to talk about a little bit today, and I'd like to discuss  
18 with you, is that in cases that involve murder, if and only if the jury finds  
19 the Defendant guilty of first degree murder, you move into what's  
20 referred to as a penalty phase.

21 So in murder cases, there are two phases. There's what's  
22 referred to as the "trial phase" where the jury decides guilty, not guilty,  
23 and then only if you find the Defendant guilty of first degree murder, do  
24 you move into what's referred to as the "penalty phase." In the penalty  
25 phase you have three options, the options are as follows: You can

1 sentence the Defendant to a minimum of 20 years, a maximum of 50  
2 years in prison; life, in prison with the possibility of parole after 20 years  
3 has been served; and option three is life without the possibility of parole.

4 So again, three terms, three options. There are four options  
5 under the statute, the fourth option is the death penalty, but this is not a  
6 death penalty case. So for those of you who are wondering, I want to  
7 make clear on that, this case does not involve the death penalty. So  
8 three options, 20 to 50 years, 20 to life, life without. Okay, those are the  
9 three options. Does anybody know, or does anybody have any  
10 questions about the two phases?

11 So first phase you're determining guilt or innocence, whether  
12 or not the State has proved to you beyond a reasonable doubt that the  
13 Defendant committed the crime. If you find the Defendant guilty beyond  
14 a reasonable doubt for first degree murder, then you move into what's  
15 referred to as the penalty phase, hear evidence, just like as in the -- just  
16 like is in the trial phase, and that those are your three options.

17 Okay. Any questions I can answer about any of that before I  
18 turn it back over to Mr. Giordani. Yes. If we could go to the microphone  
19 in the back, please.

20 PROSPECTIVE JUROR 698: I was just curious if the timing  
21 for the trial included that phase as well. Is it all meant to be done in  
22 about a week or a week and a half, or --

23 THE COURT: Yes.

24 PROSPECTIVE JUROR 698: Okay.

25 THE COURT: That was included. May I have your name and

1 badge number?

2 PROSPECTIVE JUROR 698: Oh, sorry, Ferreri. Badge  
3 number -- sorry, what did I do with it.

4 [Court and Clerk confer]

5 THE COURT: 698, that's okay, I got you.

6 PROSPECTIVE JUROR 698: Badge number 0698.

7 THE COURT: Okay. All right.

8 So, Mr. Giordani with that -- Mr. Giordani, with that, I will  
9 turn it over to you.

10 MR. GIORDANI: Thank you, Your Honor.

11 Welcome back, and thank you for showing up everyone, we  
12 do appreciate it. I want to start today by asking you the first 32, that I  
13 spoke with yesterday. If anyone went home last night and put a little  
14 more thought into questions that you heard, and the discussions that  
15 you heard, and think after good night's sleep that we, the parties need to  
16 know something?

17 In other words, sometimes we'll have jurors go back and  
18 they'll think about the case and what they, you know, I guess thought  
19 about for the first time overnight, meaning -- yes ma'am?

20 PROSPECTIVE JUROR 581: I --

21 MR. GIORDANI: No, no. Let me get you the microphone.  
22 And let me just briefly finish what I said. Sometimes people go home  
23 and they think about something that they've never thought about before,  
24 right? Like, you're not thinking about murder on a daily basis; maybe we  
25 are, but you're not. Is there anything like that you want to bring up?

1 PROSPECTIVE JUROR 581: No. It was just more, and I didn't  
2 know if this applied when you said if we knew law enforcement, and my  
3 sister did date a cop for five years. So, I mean, he's not in the picture  
4 anymore, but it is. And then my husband has a lot of acquaintances with  
5 law enforcement, but not me personally. I mean, I know of them, but I  
6 don't have a relationship with them. And then we do have a family  
7 friend, distant, that is retired, but is a family friend.

8 MR. GIORDANI: Your badge number?

9 PROSPECTIVE JUROR 581: 581.

10 MR. GIORDANI: 581. Your last name?

11 PROSPECTIVE JUROR 581: Ali.

12 MR. GIORDANI: Is there -- you heard the discussions,  
13 yesterday.

14 PROSPECTIVE JUROR 581: Uh-huh.

15 MR. GIORDANI: Is there anything about those relationships  
16 that might cause you to be unfair to Mr. Lepolo or to us, the State of  
17 Nevada?

18 PROSPECTIVE JUROR 581: I don't believe so, no.

19 MR. GIORDANI: Now you understand there might be law  
20 enforcement officers who testify in this case and you're tasked as a juror  
21 with looking at them neutrally --

22 PROSPECTIVE JUROR 581: Right.

23 MR. GIORDANI: -- like you would any other person off the  
24 street?

25 PROSPECTIVE JUROR 581: Correct.

1 MR. GIORDANI: And you think you can do that?

2 PROSPECTIVE JUROR 581: Yes.

3 MR. GIORDANI: Okay. Thank you for letting me know.

4 Anyone else, we talked yesterday? Okay. Thank you.

5 PROSPECTIVE JUROR 564: Hi. So, yeah. I'm one of those

6 that went home and I suffer from severe anxiety. I'm seeing a

7 psychiatrist for it and they're willing to submit a letter to excuse me,

8 because I just don't think I'll be able to pursue with this kind of a trial and

9 being able to see evidence and -- yeah.

10 MR. GIORDANI: And it's Ms. Hamlet --

11 PROSPECTIVE JUROR 564: Uh-huh.

12 MR. GIORDANI: -- 564 for the record.

13 So you have concerns about seeing the photographs, or the

14 heavy nature of the charges?

15 PROSPECTIVE JUROR 564: Yeah.

16 MR. GIORDANI: Okay. All right.

17 PROSPECTIVE JUROR 564: Thanks.

18 MR. GIORDANI: I'll leave it at that. Can you pass the

19 microphone down there, just to the front row? You, sir? Did you raise

20 your hand?

21 UNIDENTIFIED PROSPECTIVE JUROR: No. I was scratching

22 my head.

23 MR. GIORDANI: So we talked a little bit yesterday about the

24 presumption of innocence. It's a basic tenant of our society. If you're

25 accused of a crime, I'm accused of a crime, Mr. Lepolo is accused,



1 anybody in the United States is accused, you're presumed innocent until  
2 we, the State, do our job and prove the case against you. After sleeping  
3 on it does anyone have an issue with that basic tenant of criminal justice  
4 in America? Seeing no hands.

5 We also talked about the burden of proof being on us, the  
6 State. The Judge mentioned Mr. Margolis, he can sit there like a potted  
7 plant, not do a darn thing, and you would still have to hold us, the State,  
8 to our burden, even if you think, hey, he should have asked this question.  
9 Well, he doesn't have to. It's our job to do the proving; is everyone okay  
10 with it that? And seeing a bunch of nods and no negative responses.

11 We also talked about witnesses and people coming in off the  
12 street, and law enforcement witnesses, and I want to take that a step  
13 further. Can someone, anyone, maybe someone I haven't talked to yet  
14 raise their hand and tell me where do you think -- what types of  
15 neighborhoods do you think the majority of crimes are committed?  
16 Anybody, please, so I don't have to pick somebody, anybody?

17 Thank you.

18 PROSPECTIVE JUROR 414: Magatelli, 414.

19 MR. GIORDANI: Thank you.

20 PROSPECTIVE JUROR 414: I think crimes are committed and  
21 stigmatized -- neighborhoods where stigmatized people live.

22 MR. GIORDANI: Yes.

23 PROSPECTIVE JUROR 414: I think that humans are born  
24 inherently good, and that, you know, due to stigmatization, you know,  
25 just a lifetime of experiences can lead to people doing bad things like

1 crimes.

2 MR. GIORDANI: Yeah. Did you ever study criminal justice?

3 PROSPECTIVE JUROR 414: I went to school, so yeah, it was  
4 a course that I took. But --

5 MR. GIORDANI: Basics?

6 PROSPECTIVE JUROR 414: Yeah.

7 MR. GIORDANI: In high school or college?

8 PROSPECTIVE JUROR 414: College.

9 MR. GIORDANI: Okay. So you make a very good point. And  
10 then a lot of studies obviously show that crime is focused in lower  
11 socioeconomic areas, right? And with that, and it comes to my point,  
12 sometimes in those types of neighborhoods people in those  
13 neighborhoods don't have the best relationships with police officers,  
14 okay. Would you agree with me that sometimes crimes can go  
15 unreported?

16 PROSPECTIVE JUROR 414: Yeah, most definitely.

17 MR. GIORDANI: Sure. Sometimes people may not want to  
18 cooperate with law enforcement?

19 PROSPECTIVE JUROR 414: Correct.

20 MR. GIORDANI: Even if they're witness or a victim or, I  
21 mean, sometimes people just don't want to cooperate?

22 PROSPECTIVE JUROR 414: Yeah. I also think that there are  
23 some times that cases go unreported because people believe it's easier  
24 to not deal with the police.

25 MR. GIORDANI: Yea.

1 PROSPECTIVE JUROR 414: I also believe that there's a  
2 certain level of unconscious bias that people innately have.

3 MR. GIORDANI: What do you mean by that?

4 PROSPECTIVE JUROR 414: Unconscious bias, meaning  
5 people grow up and experience biases from family, friends just  
6 experiences in general, and that through that sometimes you can, you  
7 know, make actions that are not good like crime.

8 MR. GIORDANI: Sure. Do you, you individually, ma'am, do  
9 you think that you could look at a witness from a different neighborhood  
10 than you maybe and judge them based upon the content of their  
11 testimony rather than, you know, where they're from, or what they may  
12 look like or when they reported the crime?

13 PROSPECTIVE JUROR 414: Yeah. Definitely I think -- you  
14 know, I grew up very privileged. I was able to go to college. I do think I  
15 could be unbiased and kind of put myself you know, mentally, in that  
16 person's shoes. But at the same time I want to look at it from the  
17 police's view as well, because they also have their own unconscious bias  
18 and views of how things happened. So it's really going to be based on  
19 evidence.

20 MR. GIORDANI: That's what it should be based on.

21 Okay. And this is for kind of the group now. Is there anyone  
22 that disagrees with this statement? Everyone in America, everyone I  
23 guess across the world, is entitled to equal and exact justice. Anyone  
24 have a problem with that idea or that sentiment? So if we have  
25 witnesses who don't look like you, aren't from the same neighborhood,

1 don't talk like you are you all going to be able to judge them based upon  
2 what they have to say and not necessarily how they look or how they're  
3 dressed or how they speak? Is there anyone that can't do that, is a better  
4 question? Seeing no hands across the board. And thank you for  
5 volunteering, I appreciate that.

6           The Judge just talked about penalty for the first time. I want  
7 to ask a couple questions about that. So it's a really weird conversation  
8 that we have when it comes to murder cases because they're unique. In  
9 every other type of case, literally every type other type of criminal case,  
10 the judge just does the sentencing after the jury does their thing. Either  
11 it's guilty or not guilty. If it's guilty then it goes to a judge for sentencing.

12           In the sole instance, murder with use of a deadly weapon,  
13 first degree, the jury does the sentencing, and it's really -- it's a weird  
14 conversation because we are asking you all to look into the future and  
15 tell us what you're going to think a week from now. And I understand  
16 it's difficult, but I still have to ask the questions because now's the only  
17 chance I'm going to have, and Mr. Margolis is going to have to speak to  
18 you directly.

19           So there are those three penalties, 20 to 50 years, life with  
20 the possibility of parole after 20 years, life without the possibility of  
21 parole. Those are the three options, that's all that's in play if he is  
22 convicted, Mr. Lepolo is convicted of first degree murder. Is there  
23 anyone on this first 32 that thinks they just couldn't do that, couldn't  
24 sentence a person to those particular three sentences?

25           All right. Okay. A couple hands going up there, Chris, thank

1 you. Mr. Auten, number 260?

2 PROSPECTIVE JUROR 260: 260. Yeah, I don't really have  
3 anything to add beyond what I said yesterday, but I do think that's -- I  
4 didn't know, coming into the courtroom today, whether this was a capital  
5 punishment case and obviously the restrictions prevent me from figuring  
6 that out, but that was a curiosity, but not withstanding that it doesn't rise  
7 to that level, I still think it's an issue. Yeah.

8 MR. GIORDANI: And that's based upon your statements  
9 about being uncomfortable sitting in judgment?

10 PROSPECTIVE JUROR 260: Yes.

11 MR. GIORDANI: Don't try to hand off the microphone, I'm  
12 not done yet, sorry. It's okay if it makes you uncomfortable. I think it's  
13 natural and I think it would be a little weird if you weren't a little  
14 uncomfortable sending someone to prison for 20 to 50 years, right? I  
15 mean, it's not an easy thing to do, but that's what the law calls for, if we  
16 get to a penalty phase, would you be able to follow the law and you'll be  
17 required to pick between those three?

18 PROSPECTIVE JUROR 260: Yes, I can follow the law.

19 MR. GIORDANI: Okay. There was a couple other hands  
20 there. Who else had their hand up?

21 PROSPECTIVE JUROR 531:

22 Omar Lopez, badge 531.

23 MR. GIORDANI: Thank you. Mr. Lopez, how do you feel  
24 about the sentencing portion of this?

25 PROSPECTIVE JUROR 531: I'm just not comfortable it

1 being -- it falling on to me for having that decision made for him --

2 MR. GIORDANI: Uh-huh.

3 PROSPECTIVE JUROR 531: I'm just not comfortable with it.

4 MR. GIORDANI: Okay. And you understand it wouldn't just  
5 fall on you, it would be up to 12 of you to come to a consensus.

6 PROSPECTIVE JUROR 531: Correct. But just my part, I'm  
7 just not comfortable with it.

8 MR. GIORDANI: Not comfortable with the amount of time,  
9 or --

10 PROSPECTIVE JUROR 531: Just, yes. The time and just  
11 being here and judging him I guess for it.

12 MR. GIORDANI: Okay. And again, we're asking you to look  
13 into the future, right? You don't know anything about the facts of this  
14 case, you don't know anything about any of the people involved in this  
15 case.

16 PROSPECTIVE JUROR 531: Correct.

17 MR. GIORDANI: You're just saying, I guess, based upon the  
18 numbers, the amount of time, you're not comfortable with it?

19 PROSPECTIVE JUROR 531: Correct, yeah.

20 MR. GIORDANI: Okay. All right. Anyone else raise their  
21 hand to that question? Anyone else back here? Thank you.

22 PROSPECTIVE JUROR 587: Matsubara, badge number 587. I  
23 feel like I'm also not comfortable making decisions. Like, I know I have  
24 to follow the law when it comes to it, but if I don't have to I really don't  
25 want to make a decision for -- even though they might deserve it, I just

1 don't feel like I could possibly make a decision myself, even though  
2 there's other people. But I would feel something about the person, even  
3 though if it wasn't -- even though there's 12 people, 12 other people --

4 MR. GIORDANI: Yeah.

5 PROSPECTIVE JUROR 587: -- to make a decision, but I would  
6 still feel like I would feel something for the person --

7 MR. GIORDANI: Okay.

8 PROSPECTIVE JUROR 587: -- that make the decision, or --

9 MR. GIORDANI: That's, that's okay.

10 PROSPECTIVE JUROR 587: Uh-huh.

11 MR. GIORDANI: We're not asking you to be robots.

12 PROSPECTIVE JUROR 587: Uh-huh.

13 MR. GIORDANI: We want you to make rational, calculated  
14 decisions and not be inflamed by your feelings.

15 PROSPECTIVE JUROR 587: Uh-huh.

16 MR. GIORDANI: Right. But feeling something when you're  
17 sending someone to prison potentially for a very long time is natural.

18 PROSPECTIVE JUROR 587: Uh-huh.

19 MR. GIORDANI: You said about halfway through, that I could  
20 still follow the law, but I don't really want to be in that position.

21 PROSPECTIVE JUROR 587: Yes.

22 MR. GIORDANI: If we choose -- you know, if the parties  
23 choose you as a juror and the Judge chooses you as a juror, could you  
24 do it? Or would you just sit back there and cross your arms and say, I've  
25 done enough, I don't want to be want to be involved in sending someone

1 to prison.

2 PROSPECTIVE JUROR 587: It's a hard question.

3 MR. GIORDANI: Yeah.

4 PROSPECTIVE JUROR 587: If they -- if they choose me, I  
5 would, but that would be the last thing I would want to do. If I don't  
6 have to, then I really don't want to. Like, I feel like I really don't -- I really  
7 don't stand for myself when it comes to, like, I tend to like follow the  
8 crowd when it -- when there's a lot of people.

9 MR. GIORDANI: Okay.

10 PROSPECTIVE JUROR 587: And if -- there's like other people,  
11 if it -- if it's like a five to five decision, and I'm the last one to choose, it  
12 would be like a really hard -- it would really be hard for me to choose.

13 MR. GIORDANI: Okay.

14 PROSPECTIVE JUROR 587: If it's like a seven to three, then I  
15 might just choose the seven, because I don't know, I mean, that's just  
16 me.

17 MR. GIORDANI: Just go with the majority kind of decision?

18 PROSPECTIVE JUROR 587: Yes. So that wouldn't be like fair  
19 to for the person.

20 MR. GIORDANI: Yeah. No, I agree, I appreciate your  
21 honesty. Thank you.

22 Anyone else who is uncomfortable with the three potential  
23 punishments? And again, that's only if we get to penalty phase. All  
24 right, seeing no hands.

25 Can, or did anyone hear the date of the crime when the clerk



1 read -- read the information yesterday? Does anyone remember it, 2106?

2 UNIDENTIFIED PROSPECTIVE JUROR: I remember April.

3 MR. GIORDANI: Pass it down to this gentleman here. I

4 haven't spoken to you yet, have I?

5 PROSPECTIVE JUROR 587: No -- oh, right there.

6 MR. GIORDANI: Thank you ladies.

7 PROSPECTIVE JUROR 359: I believe you said 2016.

8 MR. GIORDANI: You're right, yeah.

9 THE COURT: Your name and badge number?

10 PROSPECTIVE JUROR 359: Allison Daniel, 359.

11 THE COURT: Thank you , sir.

12 PROSPECTIVE JUROR 359: Thank you, sir.

13 MR. GIORDANI: Yeah. 2016. There -- the question I have for  
14 you is, do you have an issue with the time lapse; and it's been almost --  
15 it's been six years.

16 PROSPECTIVE JUROR 359: I -- on the way home last night, I  
17 thought, wow, six -- six years, why -- why so long?

18 MR. GIORDANI: Yeah.

19 PROSPECTIVE JUROR 359: But I don't know any of the facts,  
20 though.

21 MR. GIORDANI: Absolutely, right. And we can't give you the  
22 facts, the facts come from here, right? The facts don't come from the  
23 lawyers talking, the facts come from the witness stand. So we can't get  
24 into that stuff right now. But what my question for you is, is does the  
25 age of the case, I mean, you know, the fact that it occurred six years ago

1 in and of itself, does that cause you so much concern that you just can't  
2 look at the evidence fairly.

3 PROSPECTIVE JUROR 359: Not at all.

4 MR. GIORDANI: Okay. There's like hundreds of reasons why  
5 it may take six years for a murder to go to trial, right; would you agree  
6 with there?

7 PROSPECTIVE JUROR 359: Yes.

8 MR. GIORDANI: Probably lots of reasons. And what we can't  
9 have is people who are like, okay, the justice system sucks, it doesn't  
10 move fast enough, and I'm going to prejudge or treat one side unfairly.  
11 Do you get what I'm saying there, sir?

12 PROSPECTIVE JUROR 359: Yes.

13 MR. GIORDANI: And you don't think that'll be an issue?

14 PROSPECTIVE JUROR 359: No.

15 MR. GIORDANI: No. You can't let the fact that the case is all,  
16 you know, benefit or hurt Mr. Lepolo, and you can't let it benefit or hurt  
17 the State, you just have to listen to the evidence and make a choice  
18 based upon that. You're okay with that?

19 PROSPECTIVE JUROR 359: Yes.

20 MR. GIORDANI: Okay. Anyone else have a problem with the  
21 age of the case, or the date of the offense being 2016? All right, I'm  
22 seeing no hands. Thank you, sir.

23 Can we please pass the microphone to badge number 314,  
24 Mr. Overmyer. How are you sir?

25 PROSPECTIVE JUROR 314: I'm good, how are you?

1 MR. GIORDANI: Good, thank you.

2 I want to ask you a little bit about your wife's employment.  
3 Obviously she's a federal public defender, and she does appeals?

4 PROSPECTIVE JUROR 314: That's correct.

5 MR. GIORDANI: Do you personally agree, or have the same  
6 beliefs when it comes to the criminal justice system?

7 PROSPECTIVE JUROR 314: As she does? No, I think those  
8 are -- those are separate.

9 MR. GIORDANI: Yeah. I certainly, you know, understand  
10 that. I just want to get a feel for you as a person, because I assume that  
11 she comes home and talks about what she does for work?

12 PROSPECTIVE JUROR 314: Occasionally. She tries not to do  
13 that, but --

14 MR. GIORDANI: Yeah. Yeah. And she does only criminal  
15 appeals, right?

16 PROSPECTIVE JUROR 314: Yes.

17 MR. GIORDANI: And at the federal level you're talking about,  
18 probably people that are doing real serious crimes and then real serious  
19 time.

20 PROSPECTIVE JUROR 314: Correct.

21 MR. GIORDANI: At that level.

22 PROSPECTIVE JUROR 314: Uh-huh.

23 MR. GIORDANI: So the reason I'm asking these questions is  
24 you know, I -- my wife and I agree on some things, we disagree on other  
25 things, and I want to get a feel for you, because I have an idea probably

1 your wife's feeling on the system as a whole. I might be prejudging, I  
2 might be wrong, but do you have any strong feelings about the criminal  
3 justice system?

4 PROSPECTIVE JUROR 314: I guess based on what she does,  
5 I feel like, you know, everybody's trying their best to apply justice evenly  
6 across the board.

7 MR. GIORDANI: Yeah.

8 PROSPECTIVE JUROR 314: I think we both have our own  
9 independent views of that. Certainly I don't have her experience.

10 MR. GIORDANI: Right.

11 PROSPECTIVE JUROR 314: With the -- with the details she  
12 might have a different perspective on that, but I don't think her job has  
13 influenced my view, you know, drastically different than --

14 MR. GIORDANI: Okay.

15 PROSPECTIVE JUROR 314: -- what it would be.

16 MR. GIORDANI: Yeah. Yesterday there was a lady I think in  
17 seat number 5, yesterday, that she's a former public defender and she  
18 made a very bold statement, said basically no one ever deserves to go to  
19 prison for anything; do you recall that?

20 PROSPECTIVE JUROR 314: I do.

21 MR. GIORDANI: Okay. And I wanted -- I didn't get a chance  
22 to question her, but I wanted to ask her, well, what about child  
23 molesters? Do you think that no one should go to prison? Come on. We  
24 didn't have that discussion, and I don't want to prejudge your wife's  
25 position on prison, okay. But can you assure us, the State,

1 notwithstanding your relationship, that you can apply the law as it's  
2 given to you by this Judge, and then if we get to a second phase, and  
3 only if, sentence the Defendant to one of those three possible motions?

4 PROSPECTIVE JUROR 314: Yes. I would not have an issue  
5 with that.

6 MR. GIORDANI: And do you think it would at all be an issue,  
7 that day you return your verdict, say it is guilty, you have to go home at  
8 night, obviously and see your wife --

9 PROSPECTIVE JUROR 314: Sure, yeah.

10 MR. GIORDANI: -- do you think that there would be any issue  
11 there or any pressure from that?

12 PROSPECTIVE JUROR 314: I don't, no.

13 MR. GIORDANI: Thank you very much. I appreciate it.

14 PROSPECTIVE JUROR 314: Uh-huh.

15 MR. GIORDANI: By a show of hands can everyone, I have  
16 not spoken to individually raise their hands, briefly. All right. Can you  
17 pass the microphone over to the right?

18 PROSPECTIVE JUROR 523: Hi.

19 MR. GIORDANI: Badge number please?

20 PROSPECTIVE JUROR 523: Badge 523, Grigorov.

21 MR. GIORDANI: 523?

22 PROSPECTIVE JUROR 523: Yes.

23 MR. GIORDANI: That's right, Mr. Grigorov, correct?

24 PROSPECTIVE JUROR 523: Yes.

25 MR. GIORDANI: You indicated that you're the victim of a

1 residential burglary.

2 PROSPECTIVE JUROR 523: Yeah.

3 MR. GIORDANI: And then got caught. It seemed to me like it  
4 wasn't too big a deal in your life?

5 PROSPECTIVE JUROR 523: They didn't -- they only stole my  
6 PlayStation and my games, so it wasn't like the end of the world, but --

7 MR. GIORDANI: Yeah.

8 PROSPECTIVE JUROR 523: -- you know, it's not -- it was still  
9 like not good

10 MR. GIORDANI: Yeah, it's a bummer.

11 PROSPECTIVE JUROR 523: Yeah.

12 MR. GIORDANI: But, you know, the only reason we ask these  
13 questions is, is there's somebody who's so inflamed with this system or  
14 with the way police handled their own case, they can't --

15 PROSPECTIVE JUROR 523: No, I mean, I get it. It's hard to  
16 like solve burglary stuff, and --

17 MR. GIORDANI: Yeah.

18 PROSPECTIVE JUROR 523: Yeah.

19 MR. GIORDANI: So no one ever -- or did police actually  
20 come out?

21 PROSPECTIVE JUROR 523: Yeah. They did come out, yeah.

22 MR. GIORDANI: Take a witness statement, probably.

23 PROSPECTIVE JUROR 523: Yeah. Yeah, that's -- but they  
24 only came once and that was pretty much it.

25 MR. GIORDANI: Okay. But do you think you can still be fair

1 in this case?

2 PROSPECTIVE JUROR 523: I think I can be fair, yeah.

3 MR. GIORDANI: Do you have any issue with the three  
4 possible penalties we discussed?

5 PROSPECTIVE JUROR 523: I've been thinking about it and  
6 yeah, kind of like what the other people were saying, like, I do think it  
7 would be hard for me to send someone to prison for like a really long  
8 time.

9 MR. GIORDANI: It should be hard. I hope It's hard.

10 PROSPECTIVE JUROR 523: I mean, yeah, hard, but -- yeah,  
11 I'm just not like -- like I have trouble like deciding like what I want for  
12 breakfast. Like, I just like kind of when there's big decisions I just kind of  
13 freeze up, and I am kind of like a go with the wind person, like the other  
14 people were saying. And, yeah, like I just I -- I'm just, I guess you don't  
15 know until you're like in that position, so --

16 MR. GIORDANI: Exactly.

17 PROSPECTIVE JUROR 523: Yeah.

18 MR. GIORDANI: And my follow up -- well, you would agree  
19 that you don't know a thing about this case?

20 PROSPECTIVE JUROR 523: Yes. I don't know anything.  
21 Yeah.

22 MR. GIORDANI: There were some allegations or some  
23 accusations that we have made against Mr. Lepolo were read to you.

24 PROSPECTIVE JUROR 523: Yeah.

25 MR. GIORDANI: But no evidence has been presented.

1 PROSPECTIVE JUROR 523: Right.

2 MR. GIORDANI: So can you -- understanding that you know  
3 nothing right now --

4 PROSPECTIVE JUROR 523: Uh-huh.

5 MR. GIORDANI: -- about the case. Understanding that, can  
6 you not envision any scenario where you could send someone to prison,  
7 if we've proven that they killed someone?

8 PROSPECTIVE JUROR 523: Well, even if it's like the right  
9 thing to do, like I feel like it would bother me. Like I might have regrets  
10 or something.

11 MR. GIORDANI: Okay.

12 PROSPECTIVE JUROR 523: Yeah.

13 MR. GIORDANI: So the big question is, could you do it, could  
14 you follow the law? If you're picked, the Judge says, this is the law, you  
15 have to follow it, could you follow it?

16 PROSPECTIVE JUROR 523: I mean, I want to say, yes, but I --  
17 I just don't know. Like, I just don't know. Yeah.

18 MR. GIORDANI: Okay. Yeah. I appreciate your honesty, and  
19 I know it's weird asking you to think into the future, I guess; what are you  
20 going to do a week from now? I get it.

21 PROSPECTIVE JUROR 523: Yeah.

22 MR. GIORDANI: All right. Thank you. Can you pass the  
23 microphone up and to your right there. How are you ma'am?

24 PROSPECTIVE JUROR 286: I'm doing good. Bailey Acosta,  
25 badge number 286.



1 MR. GIORDANI: 286.

2 PROSPECTIVE JUROR 286: Uh-huh.

3 MR. GIORDANI: How do you feel about the criminal justice  
4 system, Ms. Acosta?

5 PROSPECTIVE JUROR 286: Honestly, I don't know anything  
6 about the criminal --

7 MR. GIORDANI: Yeah.

8 PROSPECTIVE JUROR 286: -- justice. So this is like my first  
9 time doing something like this.

10 MR. GIORDANI: Okay. you heard some of the basic  
11 principles presumed innocent --

12 PROSPECTIVE JUROR 286: Yes.

13 MR. GIORDANI: State has the burden of proof beyond a  
14 reasonable doubt.

15 PROSPECTIVE JUROR 286: Uh-huh.

16 MR. GIORDANI: You're okay with all of that?

17 PROSPECTIVE JUROR 286: Yeah. And in a way, yeah.

18 MR. GIORDANI: In a way?

19 PROSPECTIVE JUROR 286: Well, I still don't understand  
20 some of the parts, that's why.

21 MR. GIORDANI: Sure.

22 PROSPECTIVE JUROR 286: Sure. And the Judge will instruct  
23 you at the end of this before you go back to deliberate on what the law  
24 is.

25 MR. GIORDANI: Okay. I just -- we have to make sure now

1 that you're a good fit for a criminal case --

2 PROSPECTIVE JUROR 286: Yeah.

3 MR. GIORDANI: -- and specifically a first degree murder, a  
4 potential first degree murder conviction.

5 PROSPECTIVE JUROR 286: Uh-huh.

6 MR. GIORDANI: Okay. So do you understand this jury trial  
7 process, we're going to narrow you all down to a group of 14 or 12?

8 PROSPECTIVE JUROR 286: Yeah.

9 MR. GIORDANI: Right?

10 PROSPECTIVE JUROR 286: Right.

11 MR. GIORDANI: And it's going to be you that makes the  
12 decision on whether we proved our case or not?

13 PROSPECTIVE JUROR 286: Yeah.

14 MR. GIORDANI: You're okay with that?

15 PROSPECTIVE JUROR 286: No.

16 MR. GIORDANI: Why?

17 PROSPECTIVE JUROR 286: Like the same thing, like every,  
18 they all say about making decisions about the three penalties, so I  
19 wouldn't know --

20 MR. GIORDANI: Okay.

21 PROSPECTIVE JUROR 286: -- how to make any decisions.

22 MR. GIORDANI: Hold on, let's not -- let's back up a second.

23 PROSPECTIVE JUROR 286: Uh-huh.

24 MR. GIORDANI: Setting the penalty stuff aside, you -- as a  
25 jury, if you're on it, you and 11 other people are going to go back in

1 those rooms back there and have to make a group decision on whether  
2 we met our burden of proof; can you do that part?

3 PROSPECTIVE JUROR 286: No, I don't think so.

4 MR. GIORDANI: You don't think you could go back there and  
5 talk --

6 PROSPECTIVE JUROR 286: I mean, yeah, I can talk to guys. I  
7 don't know about that.

8 MR. GIORDANI: Okay. What's your hesitance are you -- is it  
9 hard for you to speak in a group?

10 PROSPECTIVE JUROR 286: Yeah, sometimes.

11 MR. GIORDANI: Okay. Do you think if you disagreed with  
12 someone back there that you could voice that opinion?

13 PROSPECTIVE JUROR 286: Yeah, I mean, I could try to voice  
14 up my opinions.

15 MR. GIORDANI: Okay. And then do you think you could  
16 agree on a verdict if you believed we, the State, have met our burden of  
17 proof?

18 PROSPECTIVE JUROR 286: Yeah, I could try to agree.

19 MR. GIORDANI: Okay. And then if you get to a first degree  
20 murder and only then you move on to a penalty phase, it might last a  
21 day but you'll get -- you're going to have to then return to the back room  
22 and make a decision on potential penalty if we get there; is that what you  
23 have a problem with?

24 PROSPECTIVE JUROR 286: Yeah. Yeah.

25 MR. GIORDANI: Can you tell me why?

1 PROSPECTIVE JUROR 286: It's like it's -- it's kind of hard to  
2 make a decision on this -- of this situation. I don't know if I was able to  
3 do it, or I don't know the -- the whole case right now.

4 MR. GIORDANI: Yeah.

5 PROSPECTIVE JUROR 286: So I don't know if I was able to  
6 make or think.

7 MR. GIORDANI: Can you promise me and promise the judge  
8 that you'll follow the law when she gives it to you?

9 PROSPECTIVE JUROR 286: I can follow the law, yes. It's just  
10 the decision making. Yes, I just don't know.

11 MR. GIORDANI: Yeah. Yeah, it's real hard to --

12 PROSPECTIVE JUROR 286: Yeah.

13 MR. GIORDANI: -- obviously know what you're going to do a  
14 week from now, I get it.

15 PROSPECTIVE JUROR 286: Uh-huh.

16 MR. GIORDANI: Okay. If you are comfortable that you can  
17 follow the law, then you might end up on the jury.

18 PROSPECTIVE JUROR 286: Yeah.

19 MR. GIORDANI: Do you think you can follow the law?

20 PROSPECTIVE JUROR 286: I am like in between.

21 MR. GIORDANI: Okay.

22 PROSPECTIVE JUROR 286: So, yeah.

23 MR. GIORDANI: You get out there?

24 PROSPECTIVE JUROR 286: Yeah.

25 MR. GIORDANI: Okay. Thank you, ma'am.

1 PROSPECTIVE JUROR 286: Yeah.

2 MR. GIORDANI: Can you -- the other folks that I didn't speak  
3 with yet? Sorry, pass that down there, thank you.

4 Your badge number ma'am?

5 PROSPECTIVE JUROR 629: Griffiths, or 0629.

6 MR. GIORDANI: How are you?

7 PROSPECTIVE JUROR 629: Good, thank you.

8 MR. GIORDANI: Good. Do you have feelings one way or  
9 another about the criminal justice system?

10 PROSPECTIVE JUROR 629: No.

11 MR. GIORDANI: Neutral?

12 PROSPECTIVE JUROR 629: Very. Yeah. I don't know much  
13 about it.

14 MR. GIORDANI: That's fair. How about law enforcement in  
15 general, feelings?

16 PROSPECTIVE JUROR 629: No, I don't have any like strong  
17 feeling either way.

18 MR. GIORDANI: Okay. I have notes about how you were the  
19 victim of a residential burglary, almost was something a lot worse?

20 PROSPECTIVE JUROR 629: Yeah.

21 MR. GIORDANI: I'm going to admit right now my notes a  
22 little sloppy. So can you just tell me was it reported, and if so, did the  
23 police respond and did anyone get caught?

24 PROSPECTIVE JUROR 629: The police -- it was reported, the  
25 police did respond, but by the time they got to the apartment, the person

1 already left, and they weren't able to catch him

2 MR. GIORDANI: Okay. Did you physically come into contact  
3 with him?

4 PROSPECTIVE JUROR 629: So when he, it was an  
5 apartment, so he came in through the living room window and I was in  
6 my room, which was towards the back. When I heard the noise I thought  
7 maybe it was my brother and my grandma coming home, so I didn't like,  
8 think much about it, but then I heard like the window, so when I went out  
9 there to look, I did come face to face with the person.

10 MR. GIORDANI: Wow.

11 PROSPECTIVE JUROR 629: So immediately I ran to my  
12 mom's room because I knew my bedroom did not have a lock on the  
13 door, I was in high school. So I ran to her -- her bedroom. He tried to  
14 push into the room where I was trying to push him out and then we kind  
15 of just fought back and forth for a while until I was able to push the door,  
16 lock it and then call 9-1-1, and at that time that's when he left.

17 MR. GIORDANI: Okay. Wow.

18 PROSPECTIVE JUROR 629: Uh-huh.

19 MR. GIORDANI: And did the police -- did the police handle it  
20 well, in your opinion, or could they have done more?

21 PROSPECTIVE JUROR 629: I'm not too sure what more they  
22 could have done --

23 MR. GIORDANI: Yeah.

24 PROSPECTIVE JUROR 629: Considering -- like I know from  
25 neighbors, like I said, it was an apartment. Neighbors told me that like, I,

1 to be honest with you, when the police came, I was pretty terrified to  
2 where like the operator had to call me to let me know that it's actually  
3 the police at the door to open it.

4 So like later on, like we found out like the police was going  
5 around the apartment community trying to find the person, but they  
6 weren't able to. So I feel like that's all they could have done in that  
7 situation.

8 MR. GIORDANI: Okay. Fair enough. That's obviously a  
9 horrible experience for --

10 PROSPECTIVE JUROR 629: Yeah.

11 MR. GIORDANI: -- a high school kid.

12 PROSPECTIVE JUROR 629: Yeah.

13 MR. GIORDANI: And the only reason I ask is, is there  
14 anything about it that might cause you to be unfair to either side in this  
15 case?

16 PROSPECTIVE JUROR 629: No. No, I've like obviously was  
17 shook up in that moment and I still think about it to this day, but in this  
18 scenario I don't feel like that has anything to do with it.

19 MR. GIORDANI: You -- also, you've sat as a juror before?

20 PROSPECTIVE JUROR 629: I have.

21 MR. GIORDANI: Which, you know, for us it's like, okay, that's  
22 a green flag, right? Like you passed this test before. When you did the  
23 criminal jury service -- and you're never supposed to tell us what the  
24 verdict did by the way.

25 PROSPECTIVE JUROR 629: Right.

1 MR. GIORDANI: When you did your criminal jury service and  
2 then you were released from your oath did you have a positive or a  
3 negative feeling about the trial?

4 PROSPECTIVE JUROR 629: Well, personally nothing about  
5 the trial, but I was in a situation similar to that, so I thought about that  
6 situation, but I didn't like hold it or continue to think positive or negative  
7 about that particular trial. It just brought back memories for myself.

8 MR. GIORDANI: Yeah.

9 PROSPECTIVE JUROR 629: But then like I said, at time I was  
10 able to deal with that and move on from that.

11 MR. GIORDANI: Okay. I remember what you said about the  
12 charges in the case.

13 PROSPECTIVE JUROR 629: Yeah.

14 MR. GIORDANI: Are you saying your personally --

15 PROSPECTIVE JUROR 629: Right.

16 MR. GIORDANI: Separate and apart from what we just talked  
17 about?

18 PROSPECTIVE JUROR 629: Complete, yeah.

19 MR. GIORDANI: Okay. All right. Okay. I'm going to leave  
20 that alone, the Judge might have some further questions --

21 PROSPECTIVE JUROR 629: Okay.

22 MR. GIORDANI: -- for you later outside the group.

23 PROSPECTIVE JUROR 629: Okay?

24 MR. GIORDANI: Okay. Thank you, ma'am.

25 PROSPECTIVE JUROR 629: You're welcome.



1 MR. GIORDANI: Anyone else I haven't spoken with? Thank  
2 you. Pass it down. Thank you. Can I have your badge number, sir?

3 PROSPECTIVE JUROR 386: Shawn Palmer, 386.

4 MR. GIORDANI: Good evening, Mr. Palmer. Are you doing  
5 okay?

6 PROSPECTIVE JUROR 386: Good.

7 MR. GIORDANI: Good. Your, your niece was a victim of a  
8 horrendous crime.

9 PROSPECTIVE JUROR 386: Yes.

10 MR. GIORDANI: And you indicated that the guy was recently  
11 sent to prison.

12 PROSPECTIVE JUROR 386: Yeah. Yeah. Two months ago  
13 he was sentenced to six years.

14 MR. GIORDANI: Sounds like you followed the case at least a  
15 little bit?

16 PROSPECTIVE JUROR 386: A little, yeah.

17 MR. GIORDANI: Were you in any way a witness?

18 PROSPECTIVE JUROR 386: No.

19 MR. GIORDANI: Because it was a step-cousin, right?

20 PROSPECTIVE JUROR 386: Right, right. And it was in a  
21 different State, and --

22 MR. GIORDANI: Okay.

23 PROSPECTIVE JUROR 386: My sister was very happy with  
24 the -- with the outcome. I was more just support for her.

25 MR. GIORDANI: Sure, okay.

1                   You understand why I'm asking these questions?

2                   PROSPECTIVE JUROR 386: Uh-huh.

3                   MR. GIORDANI: Anything about that -- your personal  
4 experience with the system that might make you unfair to either side of  
5 this case?

6                   PROSPECTIVE JUROR 386: No. No, very neutral.

7                   MR. GIORDANI: How do you feel about law enforcement?

8                   PROSPECTIVE JUROR 386: Very neutral.

9                   MR. GIORDANI: Okay.

10                  PROSPECTIVE JUROR 386: There's good and bad.

11                  MR. GIORDANI: Good and bad like any profession.

12                  PROSPECTIVE JUROR 386: Uh-huh.

13                  MR. GIORDANI: Yeah. Any profession, right?

14                  PROSPECTIVE JUROR 386: I agree, yeah.

15                  MR. GIORDANI: Okay. And do you have any feelings one  
16 way or another about the penalty phase if we get there, in this case?

17                  PROSPECTIVE JUROR 386: No.

18                  MR. GIORDANI: Do you think you can consider those three  
19 penalties if we get there?

20                  PROSPECTIVE JUROR 386: Yes.

21                  MR. GIORDANI: And you understand right now you don't  
22 know anything about the case. You have to wait and reserve judgment  
23 until the end of the evidence.

24                  PROSPECTIVE JUROR 386: Right.

25                  MR. GIORDANI: Do you understand that?

1 PROSPECTIVE JUROR 386: Right. I understand. Yeah.  
2 MR. GIORDANI: Anything I haven't asked you that I should  
3 have?  
4 PROSPECTIVE JUROR 386: I don't think so.  
5 MR. GIORDANI: Do you watch any crime shows or listen to  
6 podcasts?  
7 PROSPECTIVE JUROR 386: I do not.  
8 MR. GIORDANI: No interest?  
9 PROSPECTIVE JUROR 386: I don't watch -- I don't -- I really  
10 don't pay much attention to TV or news, or things like that, so --  
11 MR. GIORDANI: Do you have any interest in being a juror?  
12 Do you want to be a juror?  
13 PROSPECTIVE JUROR 386: I have no problem with it.  
14 MR. GIORDANI: Wouldn't necessarily want to do it, but if  
15 called you would do it?  
16 PROSPECTIVE JUROR 386: No, I think that it's an important  
17 responsibility that we all have and I -- I have no issue with it.  
18 MR. GIORDANI: Great. All right. Thank you, sir. You can  
19 pass the mic. to Ms. Van Natta, 390?  
20 PROSPECTIVE JUROR 390: Yes.  
21 MR. GIORDANI: How are you, ma'am?  
22 PROSPECTIVE JUROR 390: Good, thank you.  
23 MR. GIORDANI: You came from the day the world shut  
24 down? Anything about that, that would cause you to be unfair to either  
25 side in this case?

1 PROSPECTIVE JUROR 390: No.

2 MR. GIORDANI: Okay. How do you feel about the criminal  
3 justice system as a whole?

4 PROSPECTIVE JUROR 390: I think they did their job well, in  
5 my case, I made a mistake.

6 MR. GIORDANI: Yeah.

7 PROSPECTIVE JUROR 390: You know, we're human.

8 MR. GIORDANI: Okay. And how do you feel about law  
9 enforcement?

10 PROSPECTIVE JUROR 390: I am pro-law enforcement. Yeah.

11 MR. GIORDANI: You've heard the discussions, because  
12 you're pro-law enforcement, should the Defense have any concerns  
13 about you as a juror?

14 PROSPECTIVE JUROR 390: No.

15 MR. GIORDANI: You can keep an open mind and listen to  
16 what all witnesses have to say, right?

17 PROSPECTIVE JUROR 390: Yes.

18 MR. GIORDANI: All right. Including law enforcement?

19 PROSPECTIVE JUROR 390: Yes.

20 MR. GIORDANI: Just because they're wearing a badge, you  
21 can't just adopt what they say.

22 PROSPECTIVE JUROR 390: Right.

23 MR. GIORDANI: Right. Okay. are you going to have any  
24 issue, ma'am, looking at autopsy photographs?

25 PROSPECTIVE JUROR 390: No.

1 MR. GIORDANI: And do you think that you could consider all  
2 three punishments if we get to a penalty phase in this case?

3 PROSPECTIVE JUROR 390: Yes.

4 MR. GIORDANI: Thank you. Anything I haven't asked you  
5 that I should have?

6 PROSPECTIVE JUROR 390: No.

7 MR. GIORDANI: Thank you. Pass that down and speak into  
8 it.

9 PROSPECTIVE JUROR 401: James McFerron, 401.

10 MR. GIORDANI: Thank you, sir. You spoke to the judge a  
11 little bit about what happened to your girlfriend before you met her,  
12 right? Without, I don't want to get into detail, but is there anything about  
13 that, that might cause you to be unfair to either Mr. Lepolo's side of  
14 things or the State side?

15 PROSPECTIVE JUROR 401: I don't believe so.

16 MR. GIORDANI: You talked about hearing about fingerprints  
17 and DNA, and then the judge kind of clarified with you, we're just  
18 reading the witness this right now. Do you understand right now you  
19 haven't heard any evidence --

20 PROSPECTIVE JUROR 401: Correct?

21 MR. GIORDANI: Right. Okay. If there's DNA, if there's prints  
22 that has that -- will likely be a factor in your decision, but just hearing  
23 that from the witness list, you can't make any prejudgments about the  
24 strength of weakness of the case, do you get that? Are you okay with  
25 that?

1 PROSPECTIVE JUROR 401: Yeah.

2 MR. GIORDANI: Okay. And do you have any feelings about  
3 the criminal justice system?

4 PROSPECTIVE JUROR 401: Pro justice.

5 MR. GIORDANI: Okay. Well, can I assume you mean pro law  
6 enforcement, as well?

7 PROSPECTIVE JUROR 401: Yes.

8 MR. GIORDANI: Okay. We need jurors who can be fair to  
9 both sides and who won't pre-judge witnesses just because of what they  
10 do for a living, you know, if they wear a badge or not. Are you okay with  
11 that idea?

12 PROSPECTIVE JUROR 401: Yes.

13 MR. GIORDANI: And you think you can do that?

14 PROSPECTIVE JUROR 401: Yes.

15 MR. GIORDANI: All right. Thank you sir. Pass that down.  
16 We spoke a little bit.

17 PROSPECTIVE JUROR 581: Yeah.

18 MR. GIORDANI: Tell me your badge number again, I'm  
19 sorry.

20 PROSPECTIVE JUROR 581: Ali, 581.

21 MR. GIORDANI: How do you feel about the system, ma'am?  
22 And I mean, the criminal?

23 PROSPECTIVE JUROR 581: Criminal, yeah. I don't really  
24 have an opinion. I've never had to experience anything right or wrong  
25 on it.

1 MR. GIORDANI: Okay. You understand this part of the  
2 system, this narrow part of the system, the jury trial process, it's  
3 designed to -- designed to be fair?

4 PROSPECTIVE JUROR 581: Yes.

5 MR. GIORDANI: Right.

6 PROSPECTIVE JUROR 581: Like that's why we're asking all  
7 these questions. That's why Mr. Margolis is going to ask you questions.  
8 We're trying to get fair jurors, and do you think that's you?

9 PROSPECTIVE JUROR 581: Yes. My only concern is I do  
10 work in a behavioral health clinic, so I have seen patients come through  
11 that are, you know, trauma, very traumatized with certain you know,  
12 aspects of stuff that happened in their life. And that's only one side of it,  
13 so that's the only thing that I -- I'm concerned with, is without knowing  
14 anything of the case, is what the trauma, or the type of trauma that is  
15 imposed on the families and persons at risk.

16 MR. GIORDANI: Sure. And that's a -- I guess that's an  
17 understandable concern that you have, but what I can tell you, we're not  
18 allowed to go into any of the evidence. Right? Well, let me put it this  
19 way, your decision should be based upon the evidence --

20 PROSPECTIVE JUROR 581: Correct.

21 MR. GIORDANI: -- and whether we meet our burden of  
22 proof. If you have sympathy for a murder victim or for her family that's  
23 human expected, understandable, that's fine. But what we can't have is  
24 people who are just so, I guess emotional, is -- it's a real generic way to  
25 say it. But we can't have people whose passions will overtake their

1 logic, that's -- that's, that's the bottom line.

2 PROSPECTIVE JUROR 581: Okay.

3 MR. GIORDANI: Okay. So considering your unique training,  
4 and your experience, do you think that you can look at the evidence,  
5 consider it for what it's?

6 PROSPECTIVE JUROR 581: I can look at the evidence, you  
7 know, and not knowing what is coming my way --

8 MR. GIORDANI: Yeah.

9 PROSPECTIVE JUROR 581: -- you know, that's only fair. But  
10 I don't know if I'd be able to, you know, being I don't know anything  
11 about the case, or being a mom as well, I think that that might have an  
12 issue with it as well.

13 MR. GIORDANI: Yeah. Yeah. Okay.

14 I don't know any other way to ask other than can you make a  
15 promise to us, the parties and the Judge that you will listen to the  
16 evidence and reserve judgment until the close of evidence?

17 PROSPECTIVE JUROR 581: Yes. I could do that.

18 MR. GIORDANI: And if there is feelings that you have about  
19 one side or another, a witness or a victim, whatever it may be, can you  
20 promise us that you will do your best to use logic in your decision  
21 making?

22 PROSPECTIVE JUROR 581: Yes.

23 MR. GIORDANI: Okay. All right. I appreciate you raising that  
24 concern.

25 PROSPECTIVE JUROR 581: No worries.



1 MR. GIORDANI: Before you pass that on, you -- in your  
2 capacity do you deal with the criminal justice system?

3 PROSPECTIVE JUROR 581: Not as a whole, not my role in  
4 the clinic, but I do set up, you know, victim witness appointments or, you  
5 know, criminal that we do provide services for. So in that aspect, we do  
6 have to know a certain amount of the detail before --

7 MR. GIORDANI: Right.

8 PROSPECTIVE JUROR 581: -- bringing them into the clinic.

9 MR. GIORDANI: Do you ever work with my office to set that  
10 up?

11 PROSPECTIVE JUROR 581: I don't think so.

12 MR. GIORDANI: Okay.

13 PROSPECTIVE JUROR 581: Usually my front office staff  
14 usually does most of it.

15 MR. GIORDANI: But -- but my victim witness unit, our victim  
16 witness unit --

17 PROSPECTIVE JUROR 581: Oh, yes.

18 MR. GIORDANI: -- reaches out to victims and witnesses in  
19 order to --

20 PROSPECTIVE JUROR 581: Yes, and then --

21 MR. GIORDANI: -- offer services then?

22 PROSPECTIVE JUROR 581: Yes. And they would schedule  
23 with our clinic.

24 MR. GIORDANI: Okay. So what is your exact role at the  
25 clinic?

1 PROSPECTIVE JUROR 581: I'm a director of operations, but  
2 we kind of move -- I mean, I do everything there. Okay.

3 MR. GIORDANI: And you interact with patients too?

4 PROSPECTIVE JUROR 581: Yes.

5 MR. GIORDANI: Frequently?

6 PROSPECTIVE JUROR 581: Yes.

7 MR. GIORDANI: Okay. Well, I mean the same -- I mean, the  
8 same question stands, right? It's can you do -- can you do your job as a  
9 juror and look at the evidence forward?

10 PROSPECTIVE JUROR 581: Yes. It's evidence based, so --

11 MR. GIORDANI: Yeah. Okay. All right. Thank you ma'am.

12 Anyone else I haven't spoken to, if you wouldn't mind  
13 volunteering. Thank you, sir.

14 PROSPECTIVE JUROR 605: Christopher Rapanos, badge  
15 number 605.

16 MR. GIORDANI: How are you today, sir?

17 PROSPECTIVE JUROR 605: Good, how are you doing?

18 MR. GIORDANI: Good, thank you. You were an active -- or  
19 your son is an active duty Marine?

20 PROSPECTIVE JUROR 605: Yes, sir.

21 MR. GIORDANI: How do you feel about his service? Are you  
22 proud?

23 PROSPECTIVE JUROR 605: Very proud. Yes, sir.

24 MR. GIORDANI: I Imagine you are.

25 PROSPECTIVE JUROR 605: Uh-huh.

1 MR. GIORDANI: And you're a 22 year old. I stopped  
2 writing -- my apologies what does your 22 year old do?

3 PROSPECTIVE JUROR 605: He works for the City of  
4 Henderson in Parks and Rec Department.

5 MR. GIORDANI: Does he have interactions with law  
6 enforcement in any way?

7 PROSPECTIVE JUROR 605: No.

8 MR. GIORDANI: Okay. How do you feel about the criminal  
9 justice system, sir?

10 PROSPECTIVE JUROR 605: I think it's fair. You know, I don't  
11 sway one way or the other, but I keep an open mind.

12 MR. GIORDANI: Good.

13 And law enforcement, do you have feelings about --

14 PROSPECTIVE JUROR 605: You know, like some of the other  
15 jurors said, there's, there's good and bad, but I keep an open mind, you  
16 have to just, you know, in this case you have to hear the evidence and,  
17 you know, it doesn't matter if they have a badge or not, you just hear  
18 what they have to say.

19 MR. GIORDANI: Okay. And there was a bit of a discussion  
20 earlier -- that was already an hour ago, sorry, about the majority of  
21 crimes happening in lower socioeconomic neighborhoods, right?

22 PROSPECTIVE JUROR 605: Uh-huh.

23 MR. GIORDANI: Would you agree with that idea?

24 PROSPECTIVE JUROR 605: Yes. I think that -- I mean, crime  
25 happens in all types of neighborhoods, the rich, the poor, the middle

1 class, you know, I just think sometimes it gets more reported in the lower  
2 class.

3 MR. GIORDANI: Okay. Good point. And the idea behind the  
4 line of questioning is -- I mean, everyone's entitled to justice.

5 PROSPECTIVE JUROR 605: Uh-huh, sure.

6 MR. GIORDANI: No matter where --

7 PROSPECTIVE JUROR 605: Sure.

8 MR. GIORDANI: -- you're from or what you look like.

9 PROSPECTIVE JUROR 605: Uh-huh. Yes, sir.

10 MR. GIORDANI: Do you agree with me?

11 PROSPECTIVE JUROR 605: Yes, sir.

12 MR. GIORDANI: And would you agree or disagree with this  
13 statement? Some areas of town or neighborhoods don't tend to  
14 cooperate with police?

15 PROSPECTIVE JUROR 605: Yeah, some areas. But I also  
16 think that the, the upper class, sometimes that happens too.

17 MR. GIORDANI: Sure.

18 PROSPECTIVE JUROR 605: It's not just the lower class.

19 MR. GIORDANI: Absolutely, absolutely. And my point is,  
20 getting back to the point, everyone is entitled to equal and exact justice.  
21 If you're a juror --

22 PROSPECTIVE JUROR 605: Uh-huh.

23 MR. GIORDANI: -- you will stand up and say that in the  
24 deliberation room if necessary, right?

25 PROSPECTIVE JUROR 605: Absolutely.

1 MR. GIORDANI: Okay. All right.

2 PROSPECTIVE JUROR 605: Uh-huh.

3 MR. GIORDANI: All right. And are you okay with the three

4 penalties, if we end up getting to a penalty phase?

5 PROSPECTIVE JUROR 605: Yes, sir.

6 MR. GIORDANI: Thank you, sir. Can you pass the

7 microphone down. Your badge number, sir?

8 PROSPECTIVE JUROR 497: Badge number 0497.

9 MR. GIORDANI: Good afternoon. Mr. Amil?

10 PROSPECTIVE JUROR 497: Yes.

11 MR. GIORDANI: And you were an alternate juror previously?

12 PROSPECTIVE JUROR 497: Yes.

13 MR. GIORDANI: How was the jury service experience, in

14 your opinion?

15 PROSPECTIVE JUROR 497: It's a lifetime experience, I think.

16 MR. GIORDANI: All right. Do you want to serve on this jury?

17 PROSPECTIVE JUROR 497: Honest answer is, if I cannot,

18 then I would prefer.

19 MR. GIORDANI: Yeah. Honest answer.

20 PROSPECTIVE JUROR 497: That's the honest answer.

21 MR. GIORDANI: I like an honest answer.

22 PROSPECTIVE JUROR 497: Yes. That's the honest answer.

23 MR. GIORDANI: That's all we need is honesty.

24 PROSPECTIVE JUROR 497: Yeah.

25 MR. GIORDANI: If called to serve, Judge Bluth calls your

1 name and says you're on the jury, will you do it?

2 PROSPECTIVE JUROR 497: Yes. But I would like to say now,  
3 before this starts, that I have issue with reserving judgment up to the  
4 end.

5 MR. GIORDANI: What do you mean?

6 PROSPECTIVE JUROR 497: Because yesterday, once the  
7 charge was read and it says one person was killed, and something like  
8 that, automatically I had a verdict in my mind.

9 MR. GIORDANI: Okay.

10 PROSPECTIVE JUROR 497: So I'm going against the flow of  
11 the rest. In my case, I already have a decision in my mind, so the  
12 Defense would have a hard time convincing me.

13 MR. GIORDANI: Okay. So let me break that down a little bit,  
14 bear with me.

15 PROSPECTIVE JUROR 497: That's an honest answer.

16 MR. GIORDANI: Oh, I appreciate the honesty, but I want to --  
17 sometimes we have these discussions and jurors haven't thought about  
18 this before, and they come to a snap judgment, and then we talk it out  
19 and they're like, oh, okay, you put it that way, I think I can do this. So  
20 you understand you haven't heard a shred of evidence' I haven't put on a  
21 single witness, right?

22 PROSPECTIVE JUROR 497: Yes.

23 MR. GIORDANI: And you understand, we, the State, we have  
24 to prove the case?

25 PROSPECTIVE JUROR 497: Yes.

1 MR. GIORDANI: And if we don't do our job, your job as a  
2 juror is to find the Defendant not guilty.

3 PROSPECTIVE JUROR 497: I understand.

4 MR. GIORDANI: I have to do my job. You have to do yours.  
5 You're okay with that idea?

6 PROSPECTIVE JUROR 497: I understand, yes.

7 MR. GIORDANI: So if we -- the Judge said, all right, sir,  
8 you're on the jury, State call witnesses, and we say the State rests and  
9 the Judge says, all right, go back and deliberate --

10 PROSPECTIVE JUROR 497: Yes.

11 MR. GIORDANI: -- you haven't heard any evidence. What's  
12 your verdict?

13 PROSPECTIVE JUROR 497: For me? I'm more biased on the  
14 guilty part, already --

15 MR. GIORDANI: Oh, no, no.

16 PROSPECTIVE JUROR 497: -- from the very beginning.

17 MR. GIORDANI: You just agreed with me that you haven't  
18 heard any evidence.

19 PROSPECTIVE JUROR 497: Yes. But I already have that in  
20 me already once I read the charge. So I mean, I think you understand  
21 what I'm saying, right? It's the burden of proof for me is the reverse.

22 MR. GIORDANI: Okay. So to use --

23 PROSPECTIVE JUROR 497: Not be --

24 MR. GIORDANI: -- your mind --

25 PROSPECTIVE JUROR 497: Yes. In my mind it's already max

1 death penalty, something like that.

2 MR. GIORDANI: Okay. Just because of --

3 THE COURT: Let's move on Gio.

4 MR. GIORDANI: All right. Thank you very much, sir.

5 Can you pass that for me? Oh, I haven't spoken to you yet,  
6 ma'am.

7 PROSPECTIVE JUROR 606: Okay.

8 MR. GIORDANI: Your badge number please. I saw that.

9 PROSPECTIVE JUROR 606: Emily Stevenson, badge 0606.

10 MR. GIORDANI: Thank you. I'll try to be quick, I promise.

11 PROSPECTIVE JUROR 606: Uh-huh.

12 MR. GIORDANI: How do you feel about the criminal justice  
13 system, ma'am?

14 PROSPECTIVE JUROR 606: Very good --

15 MR. GIORDANI: Okay.

16 PROSPECTIVE JUROR 606: -- for me.

17 MR. GIORDANI: Do you think it's a fair system?

18 PROSPECTIVE JUROR 606: Yes.

19 MR. GIORDANI: How do you feel about law enforcement?

20 PROSPECTIVE JUROR 606: Just like the other one. I am a  
21 pro law enforcement too.

22 MR. GIORDANI: And you understand pro law enforcement is  
23 great and fine --

24 PROSPECTIVE JUROR 606: Yeah. There's bad and good  
25 also, but mostly if we can analyze it the job itself is very hard.



1 MR. GIORDANI: Absolutely.

2 PROSPECTIVE JUROR 606: Yeah.

3 MR. GIORDANI: And what we need are jurors who can listen  
4 to the evidence and not prejudge it until they've heard it.

5 PROSPECTIVE JUROR 606: Yes.

6 MR. GIORDANI: Right. We don't want, because the police  
7 officer walks in with a badge that you're just going to say, all right --

8 PROSPECTIVE JUROR 606: No, no, no --

9 MR. GIORDANI: -- Mr. Lepolo is guilty, right? We need you  
10 to wait and listen to the evidence.

11 PROSPECTIVE JUROR 606: Yes.

12 MR. GIORDANI: And you can do that.

13 PROSPECTIVE JUROR 606: Yes.

14 MR. GIORDANI: Do you have any problem with the three  
15 penalties that we discussed?

16 PROSPECTIVE JUROR 606: No.

17 MR. GIORDANI: Okay. Is there anything about you that I  
18 should know before I ask you to pass the microphone down?

19 PROSPECTIVE JUROR 606: Well, I came from the Philippines  
20 and the justice system there is very different from here. United States is  
21 better than in our country, so that's all that I can say.

22 MR. GIORDANI: Yeah. Well, the United States Justice  
23 system, it has its flaws for sure.

24 PROSPECTIVE JUROR 606: Oh, of course, yes.

25 MR. GIORDANI: It's the best system in the world, right?

1 PROSPECTIVE JUROR 606: Yes.

2 MR. GIORDANI: I mean, we have to prove the case against  
3 you, you don't have to prove that you're innocent; if that makes sense to  
4 you.

5 PROSPECTIVE JUROR 606: Yes.

6 MR. GIORDANI: I know in the Philippines it's done a little bit  
7 differently.

8 PROSPECTIVE JUROR 606: It is very different.

9 MR. GIORDANI: Okay.

10 PROSPECTIVE JUROR 606: Yeah.

11 MR. GIORDANI: The Judge is going to give you instructions  
12 on the law, and whatever that packet contains you as a juror, you have to  
13 follow it.

14 PROSPECTIVE JUROR 606: Yeah.

15 MR. GIORDANI: Are you okay with that?

16 PROSPECTIVE JUROR 606: Yes.

17 MR. GIORDANI: Okay. All right. Thank you, ma'am.

18 PROSPECTIVE JUROR 606: You are welcome.

19 MR. GIORDANI: Pass that down.

20 PROSPECTIVE JUROR 504: Saldivar, badge 504.

21 MR. GIORDANI: Ms. Saldivar, I believe you are number 32.  
22 Let me check. Seat 32. Can I have your badge number again?

23 PROSPECTIVE JUROR 504: 504.

24 MR. GIORDANI: Sorry. Yes. How do you feel about the  
25 system, ma'am; the criminal justice system?

1 PROSPECTIVE JUROR 504: I feel like -- I'm pretty neutral  
2 with -- when it comes to that.

3 MR. GIORDANI: Okay. The discussion yesterday with the  
4 Judge, I think I might have written it down wrong, but correct me. Your  
5 partner was a police officer and was shot on duty?

6 PROSPECTIVE JUROR 504: No, my cousin she's an LA police  
7 officer in California, and she was with her partner and she got shot by  
8 somebody random. They were like just patrolling, or they were just  
9 like -- it was probably like one or two years it was on the news. And I'm  
10 not sure if they caught the guy yet, because we don't really talk about  
11 that stuff.

12 MR. GIORDANI: You said you don't talk about it?

13 PROSPECTIVE JUROR 504: We -- I try not to ask her  
14 questions, because I know with her it took a long time to recover and  
15 she's still going to like psychiatrist and everything

16 MR. GIORDANI: Yeah. And because of that, do you have any  
17 bias or predisposition for or against law enforcement?

18 PROSPECTIVE JUROR 504: No.

19 MR. GIORDANI: Do you think you can judge the case based  
20 upon the evidence and not your personal relationship?

21 PROSPECTIVE JUROR 504: Yes.

22 MR. GIORDANI: Are you okay with -- or able to consider all  
23 three of those potential penalties if we get to a penalty phase?

24 PROSPECTIVE JUROR 504: I know like previous of the jurors,  
25 yes. I mean, eventually, I don't want it to be on my, you know, part of

1 me with the final, but if I have to, yes.

2 MR. GIORDANI: Okay. All right. Is there anything that I  
3 haven't asked you that I should have?

4 PROSPECTIVE JUROR 504: No.

5 MR. GIORDANI: Or anything I should know about you?

6 PROSPECTIVE JUROR 504: No.

7 MR. GIORDANI: Before I move on?

8 PROSPECTIVE JUROR 504: No.

9 MR. GIORDANI: Thank you ma'am.

10 Can I have the Court's brief indulgence?

11 THE COURT: Yeah. .

12 [Pause]

13 MR. GIORDANI: Okay. All right.

14 Before I sit down, is there anyone that wants to chime in, or  
15 add anything? All right. Thank you all very much. We will pass.

16 THE COURT: Okay. I know that you had asked to approach, I  
17 didn't know if you still wanted to do that, or if that had passed.

18 MR. MARGOLIS: No, I would like to if I could.

19 THE COURT: Sure, of course.

20 MR. MARGOLIS: Thank you.

21 [Sidebar begins at 12:43 p.m.]

22 MR. MARGOLIS: Well, the Defense "has a problem" quote/  
23 unquote, and the presumption had shifted to the other side. So I think I  
24 would like him removed.

25 THE COURT: I know. Like many, he tried to see that and

1 [indiscernible]. No, no, no. No, that's not the [indiscernible].

2 MR. MARGOLIS: Well, he's persistent, I'll give him that.

3 MR. GIORDANI: We would not object if they're moving to  
4 strike him for cause.

5 MR. MARGOLIS: Yes, please.

6 THE COURT: Okay. Amil, 497 is struck.

7 MR. MARGOLIS: I'll give the others the benefit of the doubt  
8 for now.

9 THE COURT: I'm sorry, what did you say?

10 MR. MARGOLIS: I will give everyone else the benefit of the  
11 doubt for now.

12 THE COURT: Okay.

13 MR. MARGOLIS: They appear to be trying to be fair.

14 THE COURT: Thank you.

15 [Sidebar ends at 12:44 p.m.]

16 THE COURT: Mr. Amil, 497, you are excused. Thank you, sir.  
17 If you could seat the next juror, please?

18 THE CLERK: Seat number 28, will be badge number 632,  
19 Robert Judin.

20 THE COURT: Good morning, Mr. Judin -- afternoon, sorry.  
21 I've been here since very early in the morning. Just --

22 PROSPECTIVE JUROR 632: Good morning.

23 THE COURT: -- start from the top whenever you're ready.

24 PROSPECTIVE JUROR 632: So I lived in Clark County since  
25 October of 2019. I've got two years Bachelors' Degrees in journalism, in

1 sport management from the University of Florida. I am employed, I have  
2 three different jobs. I work in the sports marketing world, as the director  
3 of marketing for an NFL draft company. I teach a sports branding class  
4 for the University of Florida, online, and then I do freelance graphics for  
5 the UNLV football team here.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR 632: I am married. I have a seven-  
8 year-old daughter, and two-year-old daughter. They don't work,  
9 obviously. I have had my home burglarized, and my car burglarized.  
10 Neither time the law enforcement was helpful.

11 THE COURT: But you -- sorry, you reported it both times, but  
12 you didn't find them to be helpful in the situation, would that be fair?

13 PROSPECTIVE JUROR 632: Correct. With the car incident  
14 the -- the officer kind of laughed at me and hung up. They were never  
15 caught. Like I kind of feel it was handled poorly in both situations. To  
16 tell you, honestly I have some strong feelings about the -- about law  
17 enforcement and the criminal justice system.

18 THE COURT: Let's talk about those now, since I know it will  
19 come up.

20 PROSPECTIVE JUROR 632: Yeah. I mean, I think from a  
21 micro sense, like I respect the job that has to be done, and understand  
22 that, you know, law enforcement, they're people too, and it's a very  
23 difficult job to do. At the same time I think there are some jobs where  
24 you have to bat a 1,000. You hop on a plane, you don't want to have to  
25 think about the pilot being subpar, or not up to doing the job. And if you

1 have to go under the knife and get surgery, I just thing that there are  
2 some occupations and professions or you know, if you're not perfect,  
3 you have to be near perfect.

4 THE COURT: Sure.

5 PROSPECTIVE JUROR 632: And based on a series of  
6 variables, including my own experiences, plus things that have  
7 happened in the news, I mean, truth be told, I have serial distrust for law  
8 -- like law enforcement, based on those experiences.

9 THE COURT: Okay. Let me ask you some follow-up, okay?

10 PROSPECTIVE JUROR 632: Sure.

11 THE COURT: Number one, do those feelings trickle over the  
12 criminal justice system, as in prosecutors, proctors?

13 PROSPECTIVE JUROR 632: Yeah. I mean, I would agree with  
14 the sentiment that, you know, while it has its flaws that this system is  
15 best in the world. I just personally have a hard time looking past those  
16 flaws.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR 632: I'm the kind of person that, you  
19 know, if there is a problem that is acknowledged, then just fix it. And I --  
20 I often -- or seldom do, do I see those problems being fixed.

21 THE COURT: So you've heard me talk about the law that will  
22 apply, and one of those laws is that the State is held to the burden  
23 proving to you be yond a reasonable doubt. Would you hold the State to  
24 a higher burden, because of your views?

25 PROSPECTIVE JUROR 632: Most likely.

1 THE COURT: Okay. Let's talk about police officer's  
2 testimony.

3 PROSPECTIVE JUROR 632: Uh-huh.

4 THE COURT: If a police officer walked in here, would you  
5 hold them to -- would you judge them, or evaluate them more critically  
6 than another witness, or would you hold them to the same level?

7 PROSPECTIVE JUROR 632: I think I would consider the  
8 testimony more arbitrary, than maybe the next person would.

9 THE COURT: Okay. So you would judge them more harshly,  
10 basically?

11 PROSPECTIVE JUROR 632: I would say so, probably.

12 THE COURT: Okay. And you would hold the State to a  
13 higher burden?

14 PROSPECTIVE JUROR 632: I -- I would agree with that.

15 THE COURT: Okay. Parties?

16 [Sidebar begins at 12:49 p.m.]

17 MR. MARGOLIS: We move to strike for cause.

18 MR. GIORDANI: No objection.

19 [Sidebar ends at 12:49 p.m.]

20 THE COURT: Thank you, sir. You are excused.

21 Next?

22 THE CLERK: Badge number 646, Joseph Mieszala. He's seat  
23 number 28.

24 THE COURT: All right, sir. From the top, please?

25 PROSPECTIVE JUROR 646: Sure. Mieszala, badge 646. I



1 lived in Clark County for four years. I have a BA in management. I am  
2 employed, I'm a director of IT for 50 ophthalmology clinics throughout  
3 the west coast. I am divorced, but in a relationship. My partner doesn't  
4 work. I have two children, both in their thirties. One works here for a  
5 title company and one works for Google.

6 I've been a victim of a crime. My -- my car was stolen about  
7 five years ago, and fortunately recovered. And yes, it was reported  
8 and -- and unfortunately the Burbank P.D. and the Pasadena P.D. weren't  
9 talking to each other because the car was stolen in Pasadena, and the  
10 Burbank police called me three days later and said, are you going to ever  
11 pick your car up?

12 THE COURT: Oh.

13 PROSPECTIVE JUROR 646: So obviously somewhere  
14 throughout the paperwork system, it never got there.

15 THE COURT: Understood.

16 PROSPECTIVE JUROR 646: My significant other was  
17 convicted of felony possession, way before we started going out. I really  
18 don't have an opinion on that.

19 No, I have never served as a juror before. I have not heard  
20 anything about the trial, and I -- I guess I would share some of the juror's  
21 opinions yesterday regarding gun control.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR 646: And in good conscience, I don't  
24 know that I couldn't make a fair judgment.

25 THE COURT: Okay. So I think that there were some

1 sentiments expressed yesterday across the spectrum, right? And so  
2 there were some people that made statements of guns in any way,  
3 shape, or manner, I can't listen to it, I don't tolerate it; there's that end.  
4 And then there were some that said, listen, I think some of the things  
5 that are going on in our country right now, gun violence, especially in  
6 the realm of children, I'm sure that that person was talking about where  
7 people are walking into schools and shooting it up, that's very, very  
8 bothersome to me. Those are kind of different views on a spectrum;  
9 where would you say you are?

10 PROSPECTIVE JUROR 646: I've never held a gun. I've never  
11 shot a gun. I've never owned a gun. So somehow I'm still here. I  
12 understand that, you know, obviously law enforcement needs them.

13 THE COURT: Yeah.

14 PROSPECTIVE JUROR 646: Military needs them. And as far  
15 as the general populace having full access to them, I -- my opinion is that  
16 you can find ways to defend yourself without them.

17 THE COURT: Okay. If you heard evidence of a gun, I mean,  
18 does that mean you're just going to shut down, you know, guilty of  
19 everything, or are you still going to be able to analyze and look at the  
20 facts and apply the law from a clinical perspective?

21 PROSPECTIVE JUROR 646: Again, I, you know, in good  
22 conscience, I would tend to sway the other way. Right. I would -- if  
23 there's a gun involved, I would -- why was the gun there in the first  
24 place?

25 THE COURT: Okay. State?

1 MR. GIORDANI: Thank you.

2 Okay. State, Thank you. Mister -- how do I pronounce it,  
3 Mieszala?

4 PROSPECTIVE JUROR 646: Mieszala.

5 MR. GIORDANI: Mr. Mieszala, there is an allegation of a gun  
6 being involved. There's no evidence of a gun being involved as you sit  
7 here, you agree with me there?

8 PROSPECTIVE JUROR 646: Yes.

9 MR. GIORDANI: So we, the State, we would have to prove  
10 that there was a gun used to begin with. We would also have to prove  
11 that the person we accused of using it, used it. You're not saying that  
12 just because we've alleged, or accused a gun was involved, that you're  
13 just going to call Mr. Lepolo guilty, right?

14 PROSPECTIVE JUROR 646: No. I wouldn't go that far, but I  
15 would say that, you know, it -- it be -- it would influence me in the  
16 decision making process.

17 MR. GIORDANI: Okay. But could you -- I mean, we still have  
18 to do our job, you agree with me there, we still have to prove that it was  
19 him, and a gun was used, and he used it?

20 PROSPECTIVE JUROR 646: Correct.

21 MR. GIORDANI: And we have to prove that beyond a  
22 reasonable doubt?

23 PROSPECTIVE JUROR 646: Yes.

24 MR. GIORDANI: That's the standard, you know,  
25 Constitutional standard. Okay. So I understand you have strong feelings

1 and, you know, you're entitled to those feelings. But we need jurors that  
2 are going to hold us to our burden, even if you have strong feelings, one  
3 way or another, you have to hold us to our burden and you have to make  
4 a clinical decision at the end of this, whether we did our jobs or not;  
5 that's the bottom line. Do you think you could do that?

6 PROSPECTIVE JUROR 646: Yes.

7 MR. GIORDANI: Okay. Do you think that -- well I'll just ask  
8 you, because I asked the other jurors, do you have any issues, if we get  
9 there, if we prove our case and prove it's a first degree murder going  
10 into a second phase and considering those three potential penalties?

11 PROSPECTIVE JUROR 646: Do I have issue with that or --

12 MR. GIORDANI: Yeah.

13 PROSPECTIVE JUROR 646: I mean, that's why we're here.

14 MR. GIORDANI: Okay. Yeah. Some people --

15 PROSPECTIVE JUROR 646: Justice needs to be served,  
16 right?

17 MR. GIORDANI: Absolutely. Yeah. Some people come in  
18 and they say, look, I could just never consider parole for someone that  
19 killed somebody. Other people say, I can never consider life without  
20 parole. You know, but it sounds like you could be neutral and consider  
21 all three, if we get there?

22 PROSPECTIVE JUROR 646: Sure. From a logical perspective.

23 MR. GIORDANI: Okay. Do you have strong feelings about  
24 law enforcement one way or another?

25 PROSPECTIVE JUROR 646: No.

1 MR. GIORDANI: And the criminal justice system as a whole?

2 PROSPECTIVE JUROR 646: No.

3 MR. GIORDANI: Kind of setting aside the gun control  
4 argument? No? No, issues, okay. And you might have to look at some  
5 autopsy photographs, are you going to be okay with that?

6 PROSPECTIVE JUROR 646: Yes.

7 MR. GIORDANI: Any issue if -- well I'm just going to tell you,  
8 both parties are probably going to be using our phones every once in a  
9 while and using laptops to coordinate things. Okay. Do you have any  
10 issue with that whatsoever?

11 PROSPECTIVE JUROR 646: Is this on? No, but obviously if  
12 the storms in this in Nevada keep going, I may have to use mine a few  
13 times.

14 MR. GIORDANI: Yeah, I understand. The only thing you  
15 can't do is research or tweet, or do anything related to the case. Are you  
16 okay with that?

17 PROSPECTIVE JUROR 646: Yes.

18 MR. GIORDANI: Can you withhold from Twittering for a  
19 week?

20 PROSPECTIVE JUROR 646: I'm not a twit.

21 MR. GIORDANI: All right. Thank you, sir.

22 THE COURT: All right. Let's take a quick break, Mr. Margolis,  
23 before you get started, okay.

24 MR. MARGOLIS: Sure.

25 THE COURT: You have to talk to the Marshal.

1 All right. Ladies and gentlemen, please remember that  
2 during this recess she must not discuss or communicate with anyone,  
3 including fellow jurors in any way regarding the case or it's merit, either  
4 by voice, phone, email, text, internet, or other means of communication  
5 or social media. Please not read, watch, or listen to any news, media  
6 accounts or comment you about the case. Do any research, such as  
7 consulting dictionaries, using the internet or using reference materials.

8 Please don't make any investigation, test a theory of the  
9 case, recreate an aspect of the case or in any other way, attempt to learn  
10 or investigate the case on your own. And please don't form or express  
11 any opinion on this matter until it's formally submitted to you. I will see  
12 you at one 1:10, 1-1-0.

13 THE MARSHAL: All rise.

14 [Prospective Jury out at 12:57 p.m.]

15 All right. Thank you everyone. Please be seated

16 [Recess at 12:57 p.m., recommencing at 1:18 p.m.]

17 THE MARSHAL: All rise.

18 [Jury in at 1:18 p.m.]

19 THE COURT: All right. Thank you everyone, please be  
20 seated.

21 We are on the record in State of Nevada v. Tuly Lepolo,  
22 C-345911. Mr. Lepolo is present with Mr. Margolis, both Deputy District  
23 Attorneys, Mr. Giordani, as well as Ms. Conlin are present on behalf of  
24 the State. Do the parties stipulate to the presence of the jury panel?

25 MR. GIORDANI: We do, Your Honor.

1 MR. MARGOLIS: Yes, Your Honor.

2 THE COURT: All right, Mr. Margolis, the floor is yours.

3 MR. MARGOLIS: Thank you very much.

4 Good afternoon everybody. I will endeavor to be brief, but  
5 no promises. Let's get that out of the out of the way right quick. I'm  
6 Jason Margolis, this is my client, Mr. Lepolo, we are very grateful for  
7 your attention and for your being here. And I understand it's a stressful  
8 situation and I'll be honest, for me, it's kind of a novel situation, it's one  
9 I'm not likely going to be able to experience, I'm a little bit jealous of you,  
10 but be that as it may.

11 I'm going to ask a few kind of open-ended questions and  
12 hopefully one or more of you will be kind enough to raise your hands,  
13 and I won't have to start, you know, hitting on you. But that's kind of  
14 one how I want to go. I'm going to ask a basic question. If I get some  
15 hands, I'm going to go to those hands, and then we're going to see  
16 where it goes from there.

17 My first question is somewhat related to some of the  
18 evidence I anticipate you'll see, is I want to know if anyone in the panel  
19 here has ever challenged anyone to do anything? It could even be  
20 something as simple as a Tide Pod challenge, or I'm going to lose 20  
21 pounds before you, anything like that? Perfect. Thank you Mrs. Burns.

22 PROSPECTIVE JUROR 318: I've challenged my grandson  
23 many times, and he's only 16, so he knows not to challenge grandma  
24 because grandma's going to win.

25 MR. MARGOLIS: Oh, I love this, I love this. Give me an

1 example of something you challenged him on.

2 PROSPECTIVE JUROR 318: Challenge him to get a better  
3 grade in a certain class.

4 MR. MARGOLIS: And how does he respond?

5 PROSPECTIVE JUROR 318: He -- he's usually pretty good  
6 about it. He'll bring the grade up. You know, sometimes he'll argue,  
7 well, you know, maybe if I just bring it up one letter, no two.

8 MR. MARGOLIS: Okay.

9 PROSPECTIVE JUROR 318: And we make bets back and forth  
10 and he doesn't like losing --

11 MR. MARGOLIS: That's what I was going to ask.

12 PROSPECTIVE JUROR 318: He doesn't like losing, he doesn't  
13 like losing to me.

14 MR. MARGOLIS: Amen, amen. So sometimes it'll take a  
15 little inducement from you perhaps to get him to really enthusiastically  
16 embrace the challenge?

17 PROSPECTIVE JUROR 318: And I think so, because you  
18 know, mom and dad, they don't count.

19 MR. MARGOLIS: Of course not.

20 PROSPECTIVE JUROR 318: It's grandma and grandpa that  
21 count.

22 MR. MARGOLIS: Absolutely.

23 PROSPECTIVE JUROR 318: So, yeah, I challenge him.

24 MR. MARGOLIS: Thank you very much for --

25 PROSPECTIVE JUROR 318: Uh-huh.



1 MR. MARGOLIS: for answering my question. How about  
2 ever been the recipient of the challenge? You personally?

3 PROSPECTIVE JUROR 318: No, I don't think so. If I do, I  
4 don't remember.

5 MR. MARGOLIS: Okay. Fair enough.

6 PROSPECTIVE JUROR 318: Maybe

7 MR. MARGOLIS: Anybody other than Mrs. Burns ever levy to  
8 challenge to somebody, a dare with somebody? No one's played truth  
9 or dare, I don't believe it. Mr. Grigorov, you'll get picked on first, my first  
10 victim. Have you ever been a guy to challenge somebody else to do  
11 something, dare somebody to do something?

12 PROSPECTIVE JUROR 523: Well, I mean obviously I have,  
13 but --

14 MR. MARGOLIS: Do tell, spill the beans.

15 PROSPECTIVE JUROR 523: I don't know, like arm wrestling a  
16 couple years ago.

17 MR. MARGOLIS: Awesome, awesome, arm wrestling. Okay.  
18 Did your recipient accept the challenge?

19 PROSPECTIVE JUROR 523: Yeah.

20 MR. MARGOLIS: What were the stakes?

21 PROSPECTIVE JUROR 523: Just for fun.

22 MR. MARGOLIS: Just for fun bragging rights, if you will?

23 PROSPECTIVE JUROR 523: Yeah.

24 MR. MARGOLIS: Dominance.

25 PROSPECTIVE JUROR 523: Yeah.

1 MR. MARGOLIS: Did you win the challenge?  
2 PROSPECTIVE JUROR 523: I did win, yeah.  
3 MR. MARGOLIS: And how much joy did that give you?  
4 PROSPECTIVE JUROR 523: It felt pretty good. Yeah.  
5 MR. MARGOLIS: How long did you lure that over the victim,  
6 that he was a loser of the --  
7 PROSPECTIVE JUROR 523: Just like a couple minutes.  
8 MR. MARGOLIS: Oh, man. I would revisit that if I were you.  
9 Thank you. Thank you, Mr. Grigorov.  
10 How about, -- this is Mrs. Jackson-Hale, what about you?  
11 PROSPECTIVE JUROR 380: Yeah.  
12 MR. MARGOLIS: Tell me about it. Who'd you challenge?  
13 Who'd you dare? What happened?  
14 PROSPECTIVE JUROR 380: My mom and I challenge. My  
15 mom and I challenge each other all the time to do like 30 day, like fitness  
16 challenges.  
17 MR. MARGOLIS: When's the last time you did one?  
18 PROSPECTIVE JUROR 380: We're doing one right now.  
19 MR. MARGOLIS: Oh. Do you have interim scorekeeping?  
20 Do we know who's in the lead right now?  
21 PROSPECTIVE JUROR 380: We -- we're even.  
22 MR. MARGOLIS: Oh, horse race, nice. How long is left in the  
23 challenge?  
24 PROSPECTIVE JUROR 380: It started on August 1st and it's  
25 30 days.

1 MR. MARGOLIS: Let me ask you this, since it's your mom,  
2 and I'm pretty sure you got a history of these challenges. Is there kind of  
3 an impetus on the part of the challenge to answer the bell?

4 PROSPECTIVE JUROR 380: Oh yeah.

5 MR. MARGOLIS: Okay. What happens if one of you balks at  
6 the challenge of the day?

7 PROSPECTIVE JUROR 380: Well, it's my mom, so we kind of  
8 give each other a hard time.

9 MR. MARGOLIS: Yeah. Merciless ridicule, that's the name of  
10 the game. That's nothing more familiar than that. Ever been dared by  
11 somebody, or challenged by somebody other than your mom?

12 PROSPECTIVE JUROR 380: My kids

13 MR. MARGOLIS: Give me an example?

14 PROSPECTIVE JUROR 380: I mean, they challenge me, or I  
15 challenge them all the time with cleaning their room, or if you don't get  
16 your room cleaned, you're not going outside.

17 MR. MARGOLIS: Oh. Yeah. No, I've often found that the  
18 incentive and takeaway has a lot to do with the buy-in on the challenge.  
19 Okay, thank you very much.

20 Let's get into it a little bit more here. Okay. One of my  
21 favorite subjects, one of my favorite books and movies was Fight Club. I  
22 realize that's going to date me a little bit, because that's a '90s, but who  
23 here amongst our panel has been in a fight; I mean a physical altercation  
24 of any kind? It doesn't need to be a knockdown, drag out, it can be a  
25 simple show. It can be a -- I used to teach, so when you walk in the

1 hallway, a guy does one of these, right. Okay. It's clearly intended to  
2 draw your attention, provoke a reaction. Does anybody want to tell me  
3 about a fight they were in?

4 All right. Finding no volunteers, Mr. Lane, I'm going to pick  
5 on you because you said something that stuck with me immediately.  
6 Okay. My dad was born in Boston. You just said your east coast almost  
7 came out.

8 PROSPECTIVE JUROR 538: Yes.

9 MR. MARGOLIS: Okay. When you say, and you can correct  
10 me at any point if I'm wrong, when you say that your east coast came  
11 out, that tells me that you're going to get in some guy's face or  
12 somebody's grill, and you're going to demand appropriate treatment.  
13 Fair?

14 PROSPECTIVE JUROR 538: Fair.

15 MR. MARGOLIS: Okay. So have you ever been in a fight?

16 PROSPECTIVE JUROR 538: Yes.

17 MR. MARGOLIS: Tell me about it.

18 PROSPECTIVE JUROR 538: Going back in the east coast  
19 fellow employee out in the parking lot.

20 MR. MARGOLIS: Okay.

21 PROSPECTIVE JUROR 538: Over in about a minute, a school,  
22 minute. Someone yells, "Cops," fight, breaks up; this is mid-'70s.

23 MR. MARGOLIS: Mid-'70s, okay.

24 So, fair to say, when that fight began, people were  
25 understanding of the rules of engagement?

1 PROSPECTIVE JUROR 538: Yeah. In those days, yes.

2 MR. MARGOLIS: You and your opponent, it was understood  
3 you were going to hit, you might kick, you were certainly going to shove,  
4 there might even be a full-Nelson or something, right?

5 PROSPECTIVE JUROR 538: Correct.

6 MR. MARGOLIS: But fair to say, when you got into a fight,  
7 the understanding was the fight was going to be with what God gave us?

8 PROSPECTIVE JUROR 538: Yes.

9 MR. MARGOLIS: Right. Okay. Did you feel in that instance,  
10 and I don't know who was the provocateur or who was the provocatee,  
11 right, but did you feel in that instance that there would be consequences  
12 if you hadn't engaged in the fight?

13 PROSPECTIVE JUROR 538: I think in high school and junior  
14 high, when you don't answer the bell, there's consequences of being  
15 followed and stuff of that nature, and I think that still goes on today to  
16 some extent.

17 MR. MARGOLIS: Sure. And how about even, just not even  
18 the, not even from the partner or the opponent as it were in the fight,  
19 what happens if you are to pass on that challenge there, or that -- if you  
20 were to not engage, what would the other folks uninvolved in the fight  
21 say, think?

22 PROSPECTIVE JUROR 538: I think it's probably fair to say,  
23 using your words, "in constant ridicule."

24 MR. MARGOLIS: Okay. I like my words, so I'll go with it.  
25 Yeah, you're going to be known as a coward, right? A chicken, fair?

1 PROSPECTIVE JUROR 538: In some cases.

2 MR. MARGOLIS: Okay. Now let me ask you a question. Did  
3 you feel under those circumstances that you kind of had to fight?

4 PROSPECTIVE JUROR 538: Yeah. On those -- those cases as  
5 a -- as a unruly teenager, I guess, if you will.

6 MR. MARGOLIS: Okay. So I'm sensing from what you're  
7 saying that you feel like as you -- as you got older and even you, from  
8 the east coast, right, as you get older, you start to realize that maybe not  
9 everything's worth a fight. Fair?

10 PROSPECTIVE JUROR 538: Very fair.

11 MR. MARGOLIS: Okay. Thanks very much for engaging with  
12 me.

13 PROSPECTIVE JUROR 538: That's as recent as a couple of  
14 years ago, you know, and when my children were abused, I knew the  
15 abuser.

16 MR. MARGOLIS: Okay. Yeah. And you know, I'm sure as a  
17 father, okay, as someone who, from the moment they're born, it is  
18 incumbent upon you, you feel this, you know, irresistible impulse to  
19 protect them. And, you know, it caught my attention when you said that.  
20 Okay. And you didn't attack this guy. What do you think other than the  
21 passage of time made you make that decision?

22 PROSPECTIVE JUROR 538: Because I'm the one that's  
23 raising my two children; at that time, you know, the mother wasn't  
24 protecting them. If I did something irrational --

25 MR. MARGOLIS: Uh-huh.

1 PROSPECTIVE JUROR 538: -- they would have no one.  
2 That's -- that's -- honestly, that's the bottom line. You know, my instincts  
3 were one thing, my common sense and intelligence is a not a teenager,  
4 spoke out, and my job as a single dad raising two children, you know,  
5 primarily by myself, is to protect them, and I do that to the second.

6 MR. MARGOLIS: I feel like you felt like if you gave into that  
7 impulse, you would end up hurting the people that you were duty bound  
8 to protect, right?

9 PROSPECTIVE JUROR 538: Correct.

10 MR. MARGOLIS: Thank you very much Mr. Lane, I  
11 appreciate that.

12 Mr. Daniel [sic throughout], what do you think about what  
13 Mr. Lane said? Is protection of children something that maybe takes  
14 someone who's a little less inclined to fight, and makes more inclined to  
15 fight?

16 UNIDENTIFIED PROSPECTIVE JUROR: Definitely.

17 MR. MARGOLIS: Why is that? I mean, I -- we've all heard  
18 stories about the woman who all of a sudden picks up a car to save her  
19 child. Like what, what's going on there? Do you -- the impulse --

20 UNIDENTIFIED PROSPECTIVE JUROR: They're fragile.

21 MR. MARGOLIS: -- being so much stronger with a child,  
22 when your child is threatened?

23 UNIDENTIFIED PROSPECTIVE JUROR: Definitely. Even  
24 medical people and police, they get very emotional when a child is  
25 involved, a lot of times.

1 MR. MARGOLIS: Okay. Let me ask you this, does this  
2 change as your children get older? Do you think if your children get  
3 older, you suddenly become less protective of them?

4 UNIDENTIFIED PROSPECTIVE JUROR: I don't think so.

5 MR. MARGOLIS: You don't think so? Thank you. I'll let you  
6 off the hook, now, Mr. Daniel.

7 Mrs. Van Natta, or Ms. Van Natta, is it Ms. Vanna?

8 PROSPECTIVE JUROR 390: Correct.

9 MR. MARGOLIS: I saw you shaking your head about the kids  
10 get older, but the, but the impulse, the compelling impulse remains the  
11 same, right?

12 PROSPECTIVE JUROR 390: Oh, definitely.

13 MR. MARGOLIS: How old are you kids?

14 PROSPECTIVE JUROR 390: Twenty-nine, 26, 22, and my  
15 son's going to be 18.

16 MR. MARGOLIS: I still have one that's kind of --

17 PROSPECTIVE JUROR 390: Yeah.

18 MR. MARGOLIS: -- almost up to there.

19 PROSPECTIVE JUROR 390: Yeah.

20 MR. MARGOLIS: Right? And fair to say you worry about  
21 them as much today as you did --

22 PROSPECTIVE JUROR 390: Every day.

23 MR. MARGOLIS: When they were two, three, five, whatever  
24 the case may be, right?

25 PROSPECTIVE JUROR 390: Uh-huh.



1 MR. MARGOLIS: Right. Can't turn it off, right?

2 PROSPECTIVE JUROR 390: No.

3 MR. MARGOLIS: Do you think that you are more rational or

4 less rational when the subject is your kids?

5 PROSPECTIVE JUROR 390: Probably less rational.

6 MR. MARGOLIS: Okay.

7 PROSPECTIVE JUROR 390: You know --

8 MR. MARGOLIS: And in spite of your best efforts.

9 PROSPECTIVE JUROR 390: Because I want to protect them

10 MR. MARGOLIS: Right.

11 PROSPECTIVE JUROR 390: My mother hen comes out and

12 just wants to take care of the problem. But, you know, I mainly talk to

13 my kids about how to fix the problem themselves. So without --

14 MR. MARGOLIS: Have your kids ever been in a fight?

15 PROSPECTIVE JUROR 390: My daughter was bullied in

16 school.

17 MR. MARGOLIS: What happened exactly? I mean --

18 PROSPECTIVE JUROR 390: Just --

19 MR. MARGOLIS: -- what you can tell?

20 PROSPECTIVE JUROR 390: It was years ago, just girls

21 picking on her, things like that. She -- she just came -- became very

22 withdrawn. But recently my 22 year old had an employee that -- she's a

23 manager, say some really nasty things about her on social media.

24 MR. MARGOLIS: Uh-huh.

25 PROSPECTIVE JUROR 390: -- and it just -- it broke my heart

1 for my daughter because she's none of those things. So, you know,  
2 fighting can be on social media, as well.

3 MR. MARGOLIS: Sure. What did you do, if anything? What  
4 did she do?

5 PROSPECTIVE JUROR 390: I just talked with her and let her  
6 cry to me, you know. I just told her, I said, if you try to verbally fight  
7 back it's going to blow up even bigger. So just --

8 MR. MARGOLIS: Determined not to spar back, basically --

9 PROSPECTIVE JUROR 390: Right.

10 MR. MARGOLIS: -- I mean, it would just escalate a bad  
11 situation.

12 PROSPECTIVE JUROR 390: Right. But it still hurts as a  
13 parent when your child hurts.

14 MR. MARGOLIS: Uh-huh.

15 PROSPECTIVE JUROR 390: So --

16 MR. MARGOLIS: And there's a part of you that probably  
17 wanted to jump on the internet, right?

18 PROSPECTIVE JUROR 390: I did want to.

19 MR. MARGOLIS: Yeah. No, I understand. I understand.  
20 Thank you very much.

21 Nobody else here has been in a fight, I find that really hard to  
22 believe, so I'm going to start going person by person here.

23 Let's go up into the corner, Mrs. Charles? You don't seem  
24 like a shrinking wallflower to me. Am I correct, that you're not a  
25 shrinking wallflower?

1 PROSPECTIVE JUROR 254: I stand my ground.

2 MR. MARGOLIS: Very good. Ever been in a situation where  
3 you felt like you had no choice but to fight, or to stand your ground, or  
4 there was no reasonable method of retreat?

5 PROSPECTIVE JUROR 254: I've never been in a fight, but I  
6 stand my ground, yes.

7 MR. MARGOLIS: Well, it doesn't need to be a physical fight,  
8 right? It can be somebody throwing down a line in the sand, or a  
9 gauntlet of another type. Can you think of anything like that?

10 PROSPECTIVE JUROR 254: Not really. I kind of get my way,  
11 I guess.

12 MR. MARGOLIS: Okay. Well, that says something to me,  
13 though, as well. You spoke briefly, and I don't want to misquote you, so  
14 correct me if I'm wrong, I believe you had a career in special education?

15 PROSPECTIVE JUROR 254: Correct, still.

16 MR. MARGOLIS: I've got to be honest, that's a pretty  
17 pugnacious group of thugs, my wife teaches primary autism, and she's  
18 regularly concerned about the specter of a lawsuit, if something is done  
19 untoward in an IEP, right?

20 PROSPECTIVE JUROR 254: Yes. Yes.

21 MR. MARGOLIS: So sometimes she's preparing for a  
22 meeting, and I'm kind of looking at her like, that is not what I remember.  
23 IEP meetings being like, when I popped in as a gen-ed teacher back in  
24 the day. So not even in any of those IEP situations where the *Sabre*  
25 lawsuit, you know, is being rattled. None of those?

1 PROSPECTIVE JUROR 254: You know, I've been really lucky.  
2 I've never -- I've never been sued. I've never --

3 MR. MARGOLIS: Yeah. I've got to find out what school size  
4 you -- that's great, that's great. Okay. Do you think part of that, though,  
5 part of that reluctance on the part of an ordinarily very litigious group of  
6 people, do you think something you put off kind of suggests like, hey, I  
7 know my way around, like, don't mess with me?

8 PROSPECTIVE JUROR 254: Maybe.

9 MR. MARGOLIS: Okay. Thank you very much. It's  
10 unfortunate you weren't in a physical fight, I want to talk about it, but be  
11 that as it may.

12 Mr. Auten?

13 PROSPECTIVE JUROR 260: Yes.

14 MR. MARGOLIS: Fight, physical or otherwise of any kind?

15 PROSPECTIVE JUROR 260: No physical.

16 MR. MARGOLIS: No physical.

17 PROSPECTIVE JUROR 260: Sure.

18 MR. MARGOLIS: Do you consider yourself a person that has  
19 strong opinions?

20 PROSPECTIVE JUROR 260: Probably so. Yeah. I mean, I  
21 think so. I don't know that I always stand my ground, and I think  
22 probably there's way too much unnecessary conflict in the world. So, I  
23 mean, I think I'm willing to make my point, but I'm -- I mean, apart from  
24 my kids, that's different. But at the same time, I don't tell my kids to  
25 engage in conflict. I -- I mean, I'm more of a turn the other cheek type of

1 person. You know, you live to do something another day instead of get  
2 yourself in a situation that is out of your control.

3 MR. MARGOLIS: Okay. What if -- and I'm going to pick up  
4 on something you said. Because while I would agree with, you know,  
5 I'm not a fighter, I'm not a huge guy to fight; I'm not going to win any  
6 fights, right? So sometimes though, turning in the other cheek, you  
7 know, I get hit on this cheek, so I'm going to turn the other cheek and  
8 boom, I get a haymaker in the other cheek, right?

9 So do you feel like there's situations where there is no real  
10 opportunity to die another day, or not die another day as the case may  
11 be, or there is no reasonable retreat?

12 PROSPECTIVE JUROR 260: I would say my experience says  
13 otherwise.

14 MR. MARGOLIS: You feel like there's always a way out?

15 PROSPECTIVE JUROR 260: I -- I do.

16 MR. MARGOLIS: Okay. Let me ask you this. Do you think  
17 there are ever circumstances where -- I'll bring in gender rules for a  
18 minute here, as a man there's less opportunity to retreat?

19 PROSPECTIVE JUROR 260: I think -- I think that -- I actually  
20 disagree with you. I think that's all the more reason to be thoughtful and  
21 rational, and think about what you're doing. I just -- I don't know, I don't  
22 -- my experience again, I'm just talking about myself.

23 MR. MARGOLIS: Sure.

24 PROSPECTIVE JUROR 260: I don't see escalating conflict as  
25 really being successful in protecting anybody, really, at the end of the

1 day.

2 MR. MARGOLIS: Okay. Now you use the words "escalating  
3 conflict." I don't know if I use those words, but if I did, I didn't mean to.

4 PROSPECTIVE JUROR 260: Sure. I'll say that --

5 MR. MARGOLIS: Okay.

6 PROSPECTIVE JUROR 260: -- instead of --

7 MR. MARGOLIS: Conflict came to your door, Mr. Auten?

8 PROSPECTIVE JUROR 260: And then -- and continuing to  
9 engage in the conflict that what's, I guess maybe.

10 MR. MARGOLIS: Okay.

11 PROSPECTIVE JUROR 260: Because I don't want to put  
12 words in your mouth, but --

13 MR. MARGOLIS: Okay. I think I understand. Do you think an  
14 aversion to conflict is why you don't practice litigation law?

15 PROSPECTIVE JUROR 260: Absolutely.

16 MR. MARGOLIS: Fair enough.

17 PROSPECTIVE JUROR 260: I did for about a year, and I -- I  
18 wouldn't be an attorney if I -- I have great respect for everybody in this  
19 room who comes to the courtroom all the time, I really do. I would never  
20 do it, I have no desire to do it.

21 MR. MARGOLIS: Anybody else feel like Mr. Auten has no  
22 desire to get up and scrap all the time? I mean, I got nobody that's been  
23 in a fight here, it seems like nobody even wants to scrap. Is that -- I  
24 mean, so, okay, is there a point at which, you know what, you don't want  
25 to fight, that's fine, we won't fight.

1                   Many of you have children and families. Okay. So I want to  
2 talk a little bit about family obligations if you are not fighters. I think it  
3 stands to reason that you can't all be so fortunate is to not have a single  
4 family member that is kind of like mixing it up at the Thanksgiving  
5 dinner, or, you know, at the football game he maybe hits the  
6 brother-in-law a little bit harder than is required. Right?

7                   So if none of you are fighters, has there ever been a situation  
8 where a family member has gotten you into a set of circumstances that  
9 you didn't really want to be in? And I'm going to ask you, Mr. Palmer --  
10 well, I'll check for volunteers, Mr. Palmer, but I have a sneaking suspicion  
11 that I'm not going to get a show of hands here.

12                  Anybody want to volunteer a situation wherein their family  
13 member put them in a situation that they probably wouldn't have been  
14 in, but for that family member? I got an uncle named Andy. He does it  
15 all the time, and he likes brandy; that's all I'll say. Let your imaginations  
16 run wild from there. Seeing no volunteers, Mr. Coleman, I'm afraid  
17 you're it, also. All good. I'm sorry. Palmer. I'm sorry.

18                  PROSPECTIVE JUROR 386: That's okay. You had it right the  
19 first time.

20                  MR. MARGOLIS: I think that's partial credit, right?

21                  PROSPECTIVE JUROR 386: Yeah.

22                  MR. MARGOLIS: All right. So any family member ever put  
23 you in a position you wished you weren't in?

24                  PROSPECTIVE JUROR 386: Yeah.

25                  MR. MARGOLIS: Please --

1 PROSPECTIVE JUROR 386: My father like walked away from  
2 the family back in the early -- early to mid '80s, and started a new family.  
3 So he left my mother behind with six children. And my sister passed  
4 away last July, and I didn't think my dad deserved to know, or be  
5 notified, but my other sister felt differently about it, and she proceeded  
6 to contact my dad's wife to try to get ahold of him, to let him know that  
7 his daughter had passed away.

8 And his wife started going -- started yelling at my sister over  
9 the phone. I could actually hear her telling her, you know, that to -- to  
10 basically just leave him alone. They, you know, they -- if he needs to  
11 know anything about my sister's death, that she will let him know and  
12 we're not to contact him. So I grabbed the phone from my sister and I  
13 started -- I lost it on her and started yelling, you know, like started yelling  
14 at her.

15 MR. MARGOLIS: I don't think anybody --

16 PROSPECTIVE JUROR 386: So --

17 MR. MARGOLIS: -- would blame you for that, yeah.

18 PROSPECTIVE JUROR 386: Yeah. So I'm not a fighter, so it  
19 definitely wasn't something that I would normally do. But it -- she had  
20 attacked my sister and was blocking us from letting him know that his  
21 daughter had died, and I just -- I lost it on her, until my sister took the  
22 phone back away from me and said to just stop.

23 MR. MARGOLIS: At that point your sister is now concerned  
24 for you, right --

25 PROSPECTIVE JUROR 386: Yeah.



1 MR. MARGOLIS: -- like, that you're going to not be able to  
2 dial it back down.

3 PROSPECTIVE JUROR 386: Yeah.

4 MR. MARGOLIS: Thank you very much for volunteering.

5 Anybody else been in a situation like that? Thank you. And  
6 I'm not going to miss it. Hold on. Hold on. Mrs. Long?

7 PROSPECTIVE JUROR 522: Miss.

8 MR. MARGOLIS: Ms. Long, thank you.

9 PROSPECTIVE JUROR 522: I had completely forgotten about  
10 it, but yes, I have been in a fight, and it was when my sister was using  
11 and I would go out of my way to try to avoid her, but there were times  
12 when she just would not stop, and it would -- it would digress into  
13 physical altercations with, you know, I wound up with fat lips before and  
14 hands full of hair, and you know, you don't want to fight, but at the same  
15 time when someone's coming at you and they've just gotten to a point  
16 where you cannot ignore it anymore, you know, and it really hurts when  
17 it's a family member.

18 So, you know, and I've been in a lot of verbal confrontations.  
19 My son is of color, and so there's been a lot of times when I've gotten  
20 into verbal confrontations when he was growing up over things that  
21 were said to and about him.

22 MR. MARGOLIS: If I recall, your sister actually kind of  
23 abused your mother, right?

24 PROSPECTIVE JUROR 522: Yes. Yes.

25 MR. MARGOLIS: So, you know, in a weird way you had it the

1 worst of both ends and that you're trying to protect your mother, but in  
2 instead doing you're often at loggerheads with your sister, right?

3 PROSPECTIVE JUROR 522: Right.

4 MR. MARGOLIS: Yeah. That's a pretty awful set of  
5 circumstances.

6 PROSPECTIVE JUROR 522: I mean, everything -- everything  
7 turned out okay. You know, she was held accountable and got treatment  
8 and she and I ended up being the caretakers for my mom for six years,  
9 and when she went through dementia, so --

10 MR. MARGOLIS: It's a happy ending, definitely. How many  
11 years was she kind of not doing the greatest?

12 PROSPECTIVE JUROR 522: Gosh. It was probably about  
13 four years.

14 MR. MARGOLIS: Okay. And it's been a long time since then?

15 PROSPECTIVE JUROR 522: Yeah. It was 2000 -- yesterday I  
16 said 2014, it was 2013.

17 MR. MARGOLIS: Oh, good. Good.

18 So more years of good than there were the years of bad in a  
19 sense, right?

20 PROSPECTIVE JUROR 522: Right. That's outstanding.  
21 Thank you very much, Ms. Long.

22 Let's see. How about Mr. Dara you can't hide, you're right  
23 next door, I had to stop by. Ever had a family member kind of put you in  
24 a spot?

25 PROSPECTIVE JUROR 514: Oh yeah. My sister

1 MR. MARGOLIS: Let us know, what happened?

2 PROSPECTIVE JUROR 514: Last Super Bowl, she likes to run  
3 her mouth and yeah, we got into a fight.

4 MR. MARGOLIS: She got into a physical fight with --

5 PROSPECTIVE JUROR 514: No. I got into a fight because of  
6 her running her mouth.

7 MR. MARGOLIS: Okay. So if I could paraphrase, she's  
8 talking smack to somebody?

9 PROSPECTIVE JUROR 514: Uh-huh.

10 MR. MARGOLIS: That's somebody is not having it?

11 PROSPECTIVE JUROR 514: No. A group of people.

12 MR. MARGOLIS: Oh, a group of people. Even better, even  
13 better. I love that, those odds. How many people in the group?

14 PROSPECTIVE JUROR 514: Six.

15 MR. MARGOLIS: Oh, shoot. Did you have any comrades  
16 with you?

17 PROSPECTIVE JUROR 514: No.

18 MR. MARGOLIS: Just your loud mouth sister?

19 PROSPECTIVE JUROR 514: Uh-huh.

20 MR. MARGOLIS: That's a rough set of that set of facts.  
21 Okay. What happened, man?

22 PROSPECTIVE JUROR 514: I pretty much got my ass kicked.

23 MR. MARGOLIS: Yeah. I was going to say, if you took on all  
24 six, I would be screaming from it from the rooftops. Did she feel bad at  
25 least afterwards?

1 PROSPECTIVE JUROR 514: No.

2 MR. MARGOLIS: Didn't really have a choice though, right?

3 PROSPECTIVE JUROR 514: No.

4 MR. MARGOLIS: What happens if you just walk away and  
5 leave your sister there with this angry mob with six folks?

6 PROSPECTIVE JUROR 514: They probably went and --  
7 probably took it out on her.

8 MR. MARGOLIS: Probably would have kicked her ass  
9 instead. Right, fair statement?

10 PROSPECTIVE JUROR 514: [No verbal response].

11 MR. MARGOLIS: All right, thank you. That was actually a  
12 very good one, Mr. Dara.

13 Ms. Griffiths? No family member ever put you in an  
14 uncomfortable position?

15 PROSPECTIVE JUROR 629: No, not really.

16 MR. MARGOLIS: Did you ever put a family member in an  
17 uncomfortable position?

18 PROSPECTIVE JUROR 629: No.

19 MR. MARGOLIS: Do you think if your mom put you in a spot  
20 where, like Chris, you're either getting what have you, or she is, are you  
21 stepping in?

22 PROSPECTIVE JUROR 629: For sure.

23 MR. MARGOLIS: Okay. If roles were reversed, do you think  
24 your mom's stepping in?

25 PROSPECTIVE JUROR 629: Most definitely.

1 MR. MARGOLIS: That's all I need. Thank you very much.  
2 Mr. Lopez, you're a younger guy. I know you don't have a  
3 big family or your own, but do you have any siblings?  
4 PROSPECTIVE JUROR 531: Yes.  
5 MR. MARGOLIS: Okay. Do they ever put you in a spot?  
6 PROSPECTIVE JUROR 531: No. Not that I can recall, no.  
7 MR. MARGOLIS: Fortunate. How about buddies?  
8 PROSPECTIVE JUROR 531: Not buddies, but I would say like  
9 cousins.  
10 MR. MARGOLIS: Let me know. Tell me please, if it's not --  
11 PROSPECTIVE JUROR 531: I do have this cousin that does  
12 like, I guess likes trouble.  
13 MR. MARGOLIS: So likes trouble?  
14 PROSPECTIVE JUROR 531: Yeah.  
15 MR. MARGOLIS: Let's hear it.  
16 PROSPECTIVE JUROR 531: Anywhere he goes and he just  
17 causes trouble, and if I'm there, I usually have to like calm him down or  
18 anything like that.  
19 MR. MARGOLIS: Does that make you want to spend more  
20 time with this cousin?  
21 PROSPECTIVE JUROR 531: Not really, no.  
22 MR. MARGOLIS: Okay. And are there times when you kind  
23 of have no choice but to spend time with the cousin?  
24 PROSPECTIVE JUROR 531: Yeah.  
25 MR. MARGOLIS: Okay. Have you ever complained to

1 anybody else in your family, your dad, your uncle, or anything about the  
2 fact that, you know, my cousin keeps --

3 PROSPECTIVE JUROR 531: Yeah. We all know it, so we all  
4 talk --

5 MR. MARGOLIS: It's just another --

6 PROSPECTIVE JUROR 531: -- about it, yeah.

7 MR. MARGOLIS: -- understood thing.

8 PROSPECTIVE JUROR 531: Yeah.

9 MR. MARGOLIS: He's the black sheep.

10 PROSPECTIVE JUROR 531: Yeah.

11 MR. MARGOLIS: Deal with it. Work around it.

12 PROSPECTIVE JUROR 531: Yeah.

13 MR. MARGOLIS: Thank you. Ms. Mazzanti?

14 PROSPECTIVE JUROR 346: Yes, sir.

15 MR. MARGOLIS: How about you? Family member --

16 PROSPECTIVE JUROR 346: No.

17 MR. MARGOLIS: -- of questionable.

18 PROSPECTIVE JUROR 346: Not really.

19 MR. MARGOLIS: Everybody's an outstanding citizen? That  
20 is awesome.

21 PROSPECTIVE JUROR 346: Pretty much, I mean, we all work  
22 and we all have an education, and the last time I had a physical fist fight  
23 was with my younger brother when he was eight and I was ten, so --

24 MR. MARGOLIS: Did you win?

25 PROSPECTIVE JUROR 346: No.

1 MR. MARGOLIS: Ah, man.

2 PROSPECTIVE JUROR 346: He was younger, but bigger than  
3 me already.

4 MR. MARGOLIS: Yeah. Yeah. Have you won some since  
5 though with him?

6 PROSPECTIVE JUROR 346: We don't fight.

7 MR. MARGOLIS: Not physical fights, arguments,  
8 disagreements?

9 PROSPECTIVE JUROR 346: Arguments? No. He -- he should  
10 have been a lawyer.

11 MR. MARGOLIS: Oh, really?

12 PROSPECTIVE JUROR 346: He can talk his way around in  
13 and out of anything. So I really don't fight with him anymore.

14 MR. MARGOLIS: How about at UCLA? Ever any academic  
15 kerfuffles, of a kind?

16 PROSPECTIVE JUROR 346: No. I mean, my profession is,  
17 I'm a librarian, and if you look at the -- you know, the people who  
18 become librarians, like our number one feature with most of the people  
19 in my workplace is harmony. If you've ever done the -- yeah. So we're  
20 all harmonious, everything's done by consensus and there's almost  
21 never any arguing. Sometimes it takes us three years to get something  
22 done.

23 MR. MARGOLIS: Yeah, I was going to say I mean --

24 PROSPECTIVE JUROR 346: I'm not going to lie about that.

25 MR. MARGOLIS: -- you get to lunch at seven o'clock at night,

1 right?

2 PROSPECTIVE JUROR 346: But sometimes -- but by and  
3 large that's how we deal with things.

4 MR. MARGOLIS: Okay. Do you think as a result of that, not  
5 just in your work life but in your personal life, you avoid corners of  
6 conflict, troublemakers like --

7 PROSPECTIVE JUROR 346: Yeah.

8 MR. MARGOLIS: -- Mr. Lopez' cousin?

9 PROSPECTIVE JUROR 346: Probably. Probably.

10 MR. MARGOLIS: Okay.

11 PROSPECTIVE JUROR 346: I'd have to be honest about that.  
12 Yeah.

13 MR. MARGOLIS: And it probably doesn't take much for you  
14 to be like, okay, I'm checking out, I'm going to go elsewhere?

15 PROSPECTIVE JUROR 346: Uh-huh. You know, it just sort of  
16 depends on what I'm -- like, if it's something to do with my department --

17 MR. MARGOLIS: Uh-huh.

18 PROSPECTIVE JUROR 346: I will fight with the best of  
19 them --

20 MR. MARGOLIS: See, now that's what --

21 PROSPECTIVE JUROR 346: -- for my staff.

22 MR. MARGOLIS: -- I'm looking for, you're whole --

23 PROSPECTIVE JUROR 346: For my staff.

24 MR. MARGOLIS: -- intonation changed, your countenance  
25 changed. You're like okay, all right, let's go.



1 PROSPECTIVE JUROR 346: Yeah. So, you know, it's  
2 something that -- that I care passionately about, absolutely, I will fight for  
3 it.

4 MR. MARGOLIS: Fair statement that most people care pretty  
5 passionately about their kids?

6 PROSPECTIVE JUROR 346: I would assume so, I don't have  
7 any.

8 MR. MARGOLIS: I know, I know, I know. But that's  
9 something you probably have --

10 PROSPECTIVE JUROR 346: From observing my family  
11 members --

12 MR. MARGOLIS: -- gandered in your observations

13 PROSPECTIVE JUROR 346: -- who have, yes.

14 MR. MARGOLIS: Right?

15 PROSPECTIVE JUROR 346: Correct.

16 MR. MARGOLIS: Cool. Thank you very much for sharing.  
17 Let's pop around a little bit.

18 Mrs. Ali, how about you?

19 PROSPECTIVE JUROR 346: No, I don't really -- family  
20 members, I mean, we're all fine. We all get along really well. The only  
21 thing is first generation problems. We don't allow it to go to a second  
22 generation problems. So if, like my mom is upset with her sisters and  
23 brothers, and they can be at war most of the time --

24 MR. MARGOLIS: Uh-huh.

25 PROSPECTIVE JUROR 346: -- at first it was like, you know, I

1 don't want you to talking to, you know, so-and-so's kids. And so we  
2 don't -- we don't, we -- the second generation pretty much sticks  
3 together.

4 MR. MARGOLIS: So you guys don't subscribe to the blood  
5 feud --

6 PROSPECTIVE JUROR 346: To the drama, no.

7 MR. MARGOLIS: -- of the elder generation --

8 PROSPECTIVE JUROR 346: Correct.

9 MR. MARGOLIS: -- right? Okay. And that's a conscious  
10 choice, right?

11 PROSPECTIVE JUROR 346: Right.

12 MR. MARGOLIS: Because it would be kind of easy --

13 PROSPECTIVE JUROR 346: It's kind of --

14 MR. MARGOLIS: -- to just go along?

15 PROSPECTIVE JUROR 346: Right. But it's their -- it's, we  
16 we're growing up in different times and their -- you know, problems are  
17 not our problems, I guess.

18 MR. MARGOLIS: Do you feel like their problems, and I don't  
19 know if I'm misreading this, but do you feel like their problems aren't  
20 even problems that you and your cousins could have?

21 PROSPECTIVE JUROR 346: No. It's mostly just, you know,  
22 who's getting what, and, you know, when my grandma passes away,  
23 and that kind of stuff and no one can agree --

24 MR. MARGOLIS: Dollar bills, huh?

25 PROSPECTIVE JUROR 346: -- and yeah. So it's -- it's nothing

1 that really matters to us. I mean, maybe it trickles down, but nothing  
2 that would -- that we would want to affect our relationship.

3 MR. MARGOLIS: That's a very pretty how -- ma'am?

4 PROSPECTIVE JUROR 346: Uh-huh.

5 MR. MARGOLIS: I mean, at least in your generation --

6 PROSPECTIVE JUROR 346: Yes. And -- and my kids are all,  
7 we have a very -- anything that is bothering them is an open discussion,  
8 bring it to our attention immediately. My husband's a psychologist, so  
9 that helps.

10 MR. MARGOLIS: Pretty good at talking through problems --

11 PROSPECTIVE JUROR 346: Yes.

12 MR. MARGOLIS: Uh-huh.

13 PROSPECTIVE JUROR 346: Yes. He's very good at directing  
14 and anything that comes up, you know, we talk it out, hash it out and  
15 move on.

16 MR. MARGOLIS: Do you and your husband ever disagree  
17 about what the appropriate approach is?

18 PROSPECTIVE JUROR 346: Maybe. I mean, not too much. I  
19 have two older kids that are from a different marriage. So I think at the  
20 beginning maybe there was some conflict, but for the most part, no,  
21 we've all grown to -- to kind of teach everyone the same and parent them  
22 the same.

23 MR. MARGOLIS: That's good.

24 PROSPECTIVE JUROR 346: Uh-huh.

25 MR. MARGOLIS: A bit like my daughters, you're constant --

1 PROSPECTIVE JUROR 346: No.

2 MR. MARGOLIS: -- constant.

3 PROSPECTIVE JUROR 346: Not yet, anyways. I mean,  
4 they're still --

5 MR. MARGOLIS: How old?

6 PROSPECTIVE JUROR 346: -- they're still young. The  
7 youngest is 12, then I have a 16 year old. Yeah. And she's good

8 MR. MARGOLIS: That's on the horizon. I mean, I'm scared,  
9 I'm very scared. All right. Thank you very much.

10 PROSPECTIVE JUROR 346: You're welcome.

11 MR. MARGOLIS: Let's move on to the different subject. How  
12 many of you expect a defendant to testify? I know you know that they  
13 don't have to, but how many of you expect a defendant to testify? Show  
14 of hand?

15 Let me rephrase. I'm the Defendant, I'm not guilty, okay? I  
16 like the dulcet tones of my own voice, I might take the stand in my  
17 defense. Okay. But many people do not enjoy talking, or hearing the  
18 sound of their own voice as much as I do, thank God for that. Okay. But  
19 are there any other reasons why a defendant might not take the stand --  
20 and someone wants to volunteer, when I wait for a volunteer?

21 Thank you very much, Ms. Long.

22 PROSPECTIVE JUROR 522: Oh, sorry. Well, it's like they said  
23 you could sit there like a potted plant and it's the Defendant, it's the  
24 prosecution's job to prove beyond a reasonable doubt that he is guilty.  
25 So if it's their burden of proof, why does he have to get up to defend

1 himself unless he wants to? I mean, I don't think it should be expected.

2 MR. MARGOLIS: I appreciate that. But let me push back with  
3 just a general --

4 PROSPECTIVE JUROR 522: Okay.

5 MR. MARGOLIS: -- feeling --

6 PROSPECTIVE JUROR 522: Okay.

7 THE CLERK: And I'm going to take off my defense lawyer hat  
8 now and just be an ordinary guy --

9 PROSPECTIVE JUROR 522: Uh-huh.

10 MR. MARGOLIS: -- okay. And I'm going to say that if I do sit  
11 there like a potted plant, and Mr. Lepolo and I take in all of the  
12 happenings here, and I watch the representatives for the State and they  
13 speak for 90 percent of the time, and I speak for 10 percent of the time,  
14 there's probably a very basic assumption on the part of all of us humans  
15 that somebody carried the show, right? This was a show on some level,  
16 and it was 90 percent prosecution, and 10 percent defense. Okay.

17 They read a long witness list, and I reserve the right to call  
18 every one of those witnesses, you know? But in spite of the fact that you  
19 know, I don't have to, if I don't, you're not going to have an impression  
20 of that kind, just a little?

21 PROSPECTIVE JUROR 522: Oh, yeah. I mean, because  
22 you're going to have a different perspective on their testimony and  
23 you're going to want to present that perspective.

24 MR. MARGOLIS: Uh-huh.

25 PROSPECTIVE JUROR 522: And you know, like I said, unless,

1 you know, if the Defendant has something very pertinent that would help  
2 us make a decision, then, yes, I would think that he would want to testify.

3 MR. MARGOLIS: Okay. Do you think if you were accused of  
4 a crime you would testify in your own defense?

5 PROSPECTIVE JUROR 522: If -- if I was not guilty, yes, I  
6 would want to, probably.

7 MR. MARGOLIS: And that's kind of what I'm getting at.

8 PROSPECTIVE JUROR 522: Yeah.

9 MR. MARGOLIS: I think that's a very common feeling,  
10 Ms. Long. Okay. I think that most of us, hey, if you accuse me of  
11 something and I didn't do it, I'm going to scream it from the rooftops as  
12 loud as I possibly can, in earshot of as many people as I can, right? But I  
13 think that there could be a number of other reasons, and not just the  
14 burden of proof. So I appreciate all your help Ms. Long, but I'm trying to  
15 let somebody else carry some of this burden for you.

16 PROSPECTIVE JUROR 522: All right.

17 MR. MARGOLIS: Let's go with Mr. Overmyer, can you tell  
18 me another reason why someone might not take the stand in their own  
19 defense?

20 PROSPECTIVE JUROR 314: The other side gets to question  
21 that person, as well.

22 MR. MARGOLIS: Okay. Elaborate on that, because I agree.  
23 You're, you're definitely onto something there. When the other side  
24 questions the defendant, what's the fear of the defendant at that point,  
25 or what's the fear of the person on the stand, the witness?

1 PROSPECTIVE JUROR 314: I can't think of anything off the  
2 top of my head, but it just --

3 MR. MARGOLIS: All right. How about I say something, you  
4 tell me if you agree or disagree?

5 PROSPECTIVE JUROR 314: Okay.

6 MR. MARGOLIS: Okay. The lawyer might confuse the  
7 witness, whether they be defendant or a lay witness. You guys are not in  
8 the courtroom. Witnesses are not in the courtroom as often as are the  
9 lawyers, right?

10 PROSPECTIVE JUROR 314: Sure. Yeah.

11 MR. MARGOLIS: So fair to say, if you're not a wordsmith,  
12 this might cause you some concern, right?

13 PROSPECTIVE JUROR 314: I think so, yeah.

14 MR. MARGOLIS: Any other reasons?

15 PROSPECTIVE JUROR 314: I can't think of any off the top of  
16 my head.

17 MR. MARGOLIS: All right.

18 Ms. Smith, she's right behind you there. Thank you, Mr.  
19 Overmyer. Can you think of any other reasons why a person might not  
20 testify?

21 PROSPECTIVE JUROR 510: Just from me thinking, I would  
22 say if that person has trouble communicating maybe, or getting their  
23 point across, that could be a reason they would feel, you know, I'll let  
24 someone speak on my behalf, or, you know, might better be safe just to  
25 don't put yourself in a predicament, maybe.

1 MR. MARGOLIS: Don't put your foot in your mouth,  
2 something like that?

3 PROSPECTIVE JUROR 510: Yeah.

4 MR. MARGOLIS: And when you say "speak better" do you  
5 mean felicity or facility with the English -- not felicity, facility with the  
6 English language, or maybe even beyond that?

7 PROSPECTIVE JUROR 510: More so, and this is just me  
8 speaking kind of on my situation, I'd say not necessarily can't, you know,  
9 verbalize, but maybe just getting your point across. If -- and I'm a wordy  
10 person, but sometimes I'm not very straight to the point. So, you know,  
11 if I'm putting myself in, you know, someone else's, you know, shoes, I  
12 would just think like, okay, if I'm up there, I'm probably going to be  
13 talking in circles, I'm -- it's going to take me two hours and --

14 MR. MARGOLIS: Yes.

15 PROSPECTIVE JUROR 510: Yeah. Yeah, it, it's just not  
16 going to be good.

17 MR. MARGOLIS: You're going to understand yourself, but  
18 maybe the audience is going to be like, wow, that's a lot of bird walking  
19 and she did there?

20 PROSPECTIVE JUROR 510: Exactly, yes. Okay. Thank you  
21 very much Ms. Smith. I appreciate it.

22 PROSPECTIVE JUROR 510: Thank you.

23 MR. MARGOLIS: Ms. Romero, how about you? What do you  
24 think about what Ms. Smith said? Is that, is that a reasonable fear for  
25 people to have that maybe, I'm not going to say what I mean to say, or



1 they're going to hear X when I'm saying Y; is that fair?

2 PROSPECTIVE JUROR 608: Yes. I would think that in  
3 speaking, you know what you want to say, it's in your brain.

4 MR. MARGOLIS: Uh-huh.

5 PROSPECTIVE JUROR 608: It may not come out the way that  
6 you intended it to come out, or it may not sound the way that you  
7 wanted it to sound. So --

8 MR. MARGOLIS: Has that ever happened to you?

9 PROSPECTIVE JUROR 608: Oh yeah, I'm sure. Yes. Yeah.

10 MR. MARGOLIS: Is there an example you could share with  
11 us?

12 PROSPECTIVE JUROR 608: I feel like I put my foot in my  
13 mouth all the time, actually. So --

14 MR. MARGOLIS: You're not the only one.

15 PROSPECTIVE JUROR 608: You know, I guess, you know, I'd  
16 have to say with my kids, I say something that I didn't necessarily mean  
17 to say or didn't mean to say it in the way that I said, so -- so, yes, I -- I  
18 would say I put my --

19 MR. MARGOLIS: I would say, you know --

20 PROSPECTIVE JUROR 608: -- put my mouth.

21 MR. MARGOLIS: -- I think with my kids I do that good and  
22 bad.

23 PROSPECTIVE JUROR 608: Uh-huh.

24 MR. MARGOLIS: Good and bad.

25 PROSPECTIVE JUROR 608: Uh-huh.

1 MR. MARGOLIS: Over promise and under deliver  
2 sometimes, but, yeah. Thank you very much.

3 PROSPECTIVE JUROR 608: Uh-huh.

4 MR. MARGOLIS: How about Ms. Magatelli; how about you?  
5 Any reason why a person wouldn't hop up on the stand?

6 PROSPECTIVE JUROR 414: If I was a part of a crime, if I was  
7 even involved, even if I wasn't, you know, guilty of what I was being  
8 accused of --

9 MR. MARGOLIS: Uh-huh.

10 PROSPECTIVE JUROR 414: -- I'm guessing, you know,  
11 thinking about that day that it happened would probably be the worst  
12 day of my life, if I was involved.

13 MR. MARGOLIS: Uh-huh.

14 PROSPECTIVE JUROR 414: So I, personally, would be very  
15 emotional, I probably wouldn't be able to get my point across. And  
16 yeah, I think I could be easily tripped up, you know, by a prosecution.

17 MR. MARGOLIS: So the trauma of talking about what  
18 happened would probably affect your ability to be articulate you're  
19 saying?

20 PROSPECTIVE JUROR 414: Uh-huh.

21 MR. MARGOLIS: Okay. And you want to be articulate on the  
22 stand. You don't want to risk them taking something that you didn't  
23 mean, right. Thank you. Thank you.

24 Mr. McFerron?

25 PROSPECTIVE JUROR 401: Yes, sir.

1 MR. MARGOLIS: Do you like speaking in public?

2 PROSPECTIVE JUROR 401: No, not really.

3 MR. MARGOLIS: All right. Then I'll be brief with this. Okay.

4 But I'm also introducing another reason why I think a lot of people don't  
5 want to be a witness, even in their own defense, where you think that  
6 most of us would have a greater motivation. I don't want to be a  
7 witness, I don't want to be on the stand for anything about anything, you  
8 know, and I can certainly see like, I would be more comfortable on  
9 witness stand if it were my derriere at risk, you know?

10 But do you know what the single greatest fear amongst  
11 Americans is, you can probably guess from the tenor of the question  
12 here; what is it?

13 PROSPECTIVE JUROR 401: Speaking in public.

14 MR. MARGOLIS: Speaking in public. Okay. People would  
15 rather -- they're, they're less scared of death than they are speaking in  
16 public, which is kind of illustrative to me. Okay. Because most of us  
17 don't think that is great. Okay. Would you be eager to testify in a trial?

18 PROSPECTIVE JUROR 401: No.

19 MR. MARGOLIS: Okay. Do you think it would be fair to hold  
20 that against you?

21 PROSPECTIVE JUROR 401: Maybe not fair, but I guess it can  
22 be looked at each different ways, both -- both sides. One way or the --  
23 from one side can look at it in their favor, and the other side can look at it  
24 in the other -- their favor

25 MR. MARGOLIS: In a human way, if someone accuses you of

1 something you didn't do, what's your knee jerk reaction?

2 PROSPECTIVE JUROR 401: To deny it. Just say, I didn't do  
3 it.

4 MR. MARGOLIS: Do you think even though legally we know  
5 we're not supposed to in the back of our minds, some of us still say, why  
6 -- why isn't this person testifying?

7 PROSPECTIVE JUROR 401: Yeah, probably.

8 MR. MARGOLIS: Appreciate it. Thanks. I know you're not --

9 PROSPECTIVE JUROR 401: Okay.

10 MR. MARGOLIS: -- crazy about talking.

11 PROSPECTIVE JUROR 401: Thank you.

12 I'm going to make a statement and then I'm going to ask if  
13 anyone wants to volunteer and tell me what they think I mean by the  
14 statement. And then of course when I get no volunteers, I'm going to  
15 have to pick on somebody. But we all love justice, okay? We're here to  
16 do justice and seek truth, and we talk about justice as a noble goal in the  
17 criminal justice system. We want to do right by both sides, we want to  
18 be fundamentally fair. Okay?

19 Which leads me to the statement I'm going to make. What if  
20 I told you there's no justice, there's just us? What am I trying to say?  
21 What do I mean when I make that statement? There's no justice, there's  
22 just us; volunteers, anybody?

23 Mr. Davenport, you are it. You are my target on this  
24 question. So what do I mean, what am I talking about when I say, "No  
25 justice, just us?"

1 PROSPECTIVE JUROR 607: When you say it, I don't -- I don't  
2 -- when you say it, I don't know what you mean --  
3 MR. MARGOLIS: Okay.  
4 PROSPECTIVE JUROR 607: -- but I get another vision.  
5 MR. MARGOLIS: Tell me what you --  
6 PROSPECTIVE JUROR 607: In mine --  
7 MR. MARGOLIS: -- what your vision is?  
8 PROSPECTIVE JUROR 607: -- sometimes it might be --  
9 COURT RECORDER: Can we have the microphone?  
10 PROSPECTIVE JUROR 607: -- it might be just us in the  
11 community. I would say like, it is just us -- yeah, I hate talking to mics. I  
12 would say, it's just us in the community. It's a different, a lot of --  
13 MR. MARGOLIS: All right. Let's focus --  
14 PROSPECTIVE JUROR 607: -- ways you can look at it.  
15 MR. MARGOLIS: -- on that one right there, because I like that  
16 one, actually. Just us in the community, okay, what are you illustrating  
17 with that interpretation, I guess?  
18 PROSPECTIVE JUROR 607: Well, outsiders, they won't --  
19 they can't relate to what's going on into our community. So we --  
20 MR. MARGOLIS: Who's our community?  
21 PROSPECTIVE JUROR 607: Whoever community --  
22 MR. MARGOLIS: Whoever?  
23 PROSPECTIVE JUROR 607: Right, whoever.  
24 MR. MARGOLIS: That set of neighborhoods and --  
25 PROSPECTIVE JUROR 607: Wherever you live at --

1 MR. MARGOLIS: -- conditions --  
2 PROSPECTIVE JUROR 607: -- wherever you live at.  
3 MR. MARGOLIS: -- and socioeconomic services?  
4 PROSPECTIVE JUROR 607: Right, exactly.  
5 MR. MARGOLIS: Okay. Okay. Do you think that that  
6 mindset leads to the resolution of disputes in a good way?  
7 PROSPECTIVE JUROR 607: No.  
8 MR. MARGOLIS: Okay. If I'm picking up what you're putting  
9 down, please correct me if I'm not.  
10 PROSPECTIVE JUROR 607: Okay.  
11 MR. MARGOLIS: It seems to me that you're suggesting that  
12 in some neighborhoods, in some communities, justice is doled out by  
13 the participants on the block, in the parking lot at the liquor store?  
14 PROSPECTIVE JUROR 607: Yes.  
15 MR. MARGOLIS: Okay. And while this is seen as a good  
16 thing, sometimes by members of that community, more often than not it  
17 leads to less than savory results, fair?  
18 PROSPECTIVE JUROR 607: Sometimes, yes, it does.  
19 MR. MARGOLIS: Okay. Now, there can certainly be good  
20 grassroots' community programs, and good conflict mediation and stuff  
21 like that, but I'm getting the impression that you think oftentimes when  
22 people resort to their own devices they don't necessarily choose the  
23 most productive method?  
24 PROSPECTIVE JUROR 607: It depends.  
25 MR. MARGOLIS: Depends?

1 PROSPECTIVE JUROR 607: Okay.

2 MR. MARGOLIS: What on, please?

3 PROSPECTIVE JUROR 607: I would say sometimes you  
4 might handle it another way. In other words you can go around and talk  
5 about it another way, or handle it, go, you know, get people together,  
6 mediate, and then there's other ways you can just -- things just happen  
7 that's not good.

8 MR. MARGOLIS: All right. You're a little bit older like  
9 myself, so you can remember a time when fighting meant like meeting at  
10 the McDonald's parking lot or the back lot of the school or whatever,  
11 right?

12 PROSPECTIVE JUROR 607: Definitely, yeah.

13 MR. MARGOLIS: Okay. And you know, if I'm interpreting  
14 what you're saying correctly, you know, sometimes that's okay. Yeah?

15 PROSPECTIVE JUROR 607: Yes.

16 MR. MARGOLIS: Okay. And obviously when, you know,  
17 when it escalates, that's not okay.

18 PROSPECTIVE JUROR 607: No.

19 MR. MARGOLIS: But the idea that people can referee  
20 themselves, moderate themselves, and occasionally solve the dispute in  
21 their own community amongst their own selves, something we should --

22 PROSPECTIVE JUROR 607: Well, sometimes you look at it as  
23 is we are a village, so sometimes we handle things internally.

24 MR. MARGOLIS: Uh-huh.

25 PROSPECTIVE JUROR 607: You know, and I'm not going to

1 say it's always right or it's always wrong.

2 MR. MARGOLIS: Right.

3 PROSPECTIVE JUROR 607: We don't always get the best  
4 results, but --

5 MR. MARGOLIS: Family disputes?

6 PROSPECTIVE JUROR 607: Yes.

7 MR. MARGOLIS: A good example, right?

8 PROSPECTIVE JUROR 607: Yes.

9 MR. MARGOLIS: Okay. You know, a lot of -- a lot of families,  
10 and I think even my family to a certain extent, you can tell me about  
11 yours, Mr. Davenport, you know, I don't know that we're real enthusiastic  
12 about calling the police on one another.

13 PROSPECTIVE JUROR 607: No. Well, in my family, see, I'm  
14 talker, I'm going to talk about my family, because I can only talk --

15 MR. MARGOLIS: Of course, please.

16 PROSPECTIVE JUROR 607: -- about my family.

17 MR. MARGOLIS: Please.

18 PROSPECTIVE JUROR 607: See, I was raised with, my  
19 mother had a hierarchy. Okay? When she left the house, nobody was  
20 home. My sister was the oldest, she was in charge, you did what she  
21 said --

22 MR. MARGOLIS: Uh-huh.

23 PROSPECTIVE JUROR 607: -- and her word was law. So,  
24 and if you had a dispute, you wait until my mother got home and you  
25 handled -- you talked to her about it. Okay.



1 MR. MARGOLIS: But the chain of command was the chain of  
2 command?

3 PROSPECTIVE JUROR 607: Yes, it was.

4 MR. MARGOLIS: And until your mother came home, big  
5 sister was calling the shots, right?

6 PROSPECTIVE JUROR 607: Right. It wasn't always the right  
7 thing, but --

8 MR. MARGOLIS: Of course not, but --

9 PROSPECTIVE JUROR 607: -- you discussed that with mom  
10 when she got home.

11 MR. MARGOLIS: Yeah.

12 PROSPECTIVE JUROR 607: It's the same thing now.

13 MR. MARGOLIS: You respect the office if not the individual,  
14 right; and, and she held the office, right? That makes perfect sense.

15 Thank you very much, Mr. Davenport for taking the question.

16 PROSPECTIVE JUROR 607: You're welcome.

17 MR. MARGOLIS: I think it I think it was you, Ms. Magatelli,  
18 that talked about, you know, trauma and triggers and stuff like that, in  
19 terms of maybe being a reason why you wouldn't want to take the stand;  
20 is that fair?

21 PROSPECTIVE JUROR 414: [No verbal response].

22 MR. MARGOLIS: Do you feel like the triggers from a past  
23 trauma make it more difficult to think logically?

24 PROSPECTIVE JUROR 414: I think it can make it difficult to  
25 respond to future situations.

1 MR. MARGOLIS: Future situations?

2 PROSPECTIVE JUROR 414: yeah. So, you know, if you have

3 trauma --

4 MR. MARGOLIS: Uh-huh.

5 PROSPECTIVE JUROR 414: -- something comes up where

6 you're having to potentially deal with the same trauma I think you might

7 act more in the heat of the moment.

8 MR. MARGOLIS: Jump to a conclusion more quickly --

9 PROSPECTIVE JUROR 414: Uh-huh.

10 MR. MARGOLIS: -- perhaps? Maybe take an action that

11 justified, in your mind, but maybe not someone who hadn't experienced

12 that past trauma.

13 PROSPECTIVE JUROR 414: Yeah.

14 MR. MARGOLIS: Perfect. Thank you very much.

15 I'm going to ask you to pass the mic right behind you to

16 Ms. Hamlet. Do you know anybody that, I mean, I think you talked about

17 it a little bit, right, yourself? Did you ever -- I mean, you haven't suffered

18 a trauma?

19 PROSPECTIVE JUROR 564: Just I had a lot of bullying in

20 school, a lot of -- I mean, but otherwise --

21 MR. MARGOLIS: It was, correct me if I'm wrong, anxiety?

22 PROSPECTIVE JUROR 564: Yeah.

23 MR. MARGOLIS: Okay. And do you feel like the anxiety is

24 brought on by, or was generated by the bullying?

25 PROSPECTIVE JUROR 564: Possibly.

1 MR. MARGOLIS: Okay. If not generated by, exacerbated by?

2 PROSPECTIVE JUROR 564: Maybe, yeah.

3 MR. MARGOLIS: Okay. Do you -- do you think that you are --  
4 do you think you overanalyze things, maybe --

5 PROSPECTIVE JUROR 564: Yeah.

6 MR. MARGOLIS: -- are more anxious than the average bear?

7 PROSPECTIVE JUROR 564: Uh-huh.

8 MR. MARGOLIS: -- because of that? Thank you very much.

9 I'm going to ask you to pass the mic right next door to Mr. Martin.

10 Mr. Martin?

11 PROSPECTIVE JUROR 580: Yes. Badge, 580.

12 MR. MARGOLIS: You said some very interesting things to  
13 me, so I just wanted to follow up on. Military service, right?

14 PROSPECTIVE JUROR 580: Yes.

15 MR. MARGOLIS: Then moved on to logistics.

16 PROSPECTIVE JUROR 580: Yes.

17 MR. MARGOLIS: And I believe you were doing retail  
18 management for seven different bases, or something along those lines?

19 PROSPECTIVE JUROR 580: Yes. And you know the thing  
20 that struck me is, you know, you're a military guy that had a very strong  
21 opinion on guns?

22 PROSPECTIVE JUROR 580: Absolutely.

23 MR. MARGOLIS: It was, it was stunning and kind of  
24 refreshing to me to hear that, you know, you're a person who  
25 presumably in the course of your employment, carried and used guns on

1 a regular basis for a long time, right?

2 PROSPECTIVE JUROR 580: Yes.

3 MR. MARGOLIS: And I think you said something along the  
4 lines of, you know, people that are in the military and police officers, or  
5 certain folks that ought to have guns --

6 PROSPECTIVE JUROR 580: Yes.

7 MR. MARGOLIS: -- and there's certain folks that need not  
8 have guns?

9 PROSPECTIVE JUROR 580: Absolutely.

10 MR. MARGOLIS: Okay. I'm going to ask you this based in  
11 part on your background. Do you believe that a gun escalates or  
12 deescalates a situation?

13 PROSPECTIVE JUROR 580: It kind of depends on the  
14 situation that -- that you're in, because you may react different because  
15 of the situation, but I have come over the past, I don't know, eight to ten  
16 years or so, guns don't kill people, people kill people. That is my view on  
17 it, because you know, that it is just like -- it is just like you're driving a  
18 car and then you run over somebody.

19 MR. MARGOLIS: Okay.

20 PROSPECTIVE JUROR 580: The car didn't kill that people,  
21 you did.

22 MR. MARGOLIS: I agree. I agree.

23 PROSPECTIVE JUROR 580: That -- that is my view of it.

24 MR. MARGOLIS: It's not the car's fault, but --

25 PROSPECTIVE JUROR 580: Yes

1 MR. MARGOLIS: But -- let me push back on that a little bit.

2 PROSPECTIVE JUROR 580: Okay. I've actually enjoyed this  
3 car and gun debate myself a few times with various other folks. Okay?

4 MR. MARGOLIS: Okay. I'm a California guy, I love cars, and  
5 if I lived and worked, you know, two blocks from, I'd still own a car  
6 because I don't know how not to, it's a new environment. But, you  
7 know, cars have a lot of other purposes.

8 PROSPECTIVE JUROR 580: Oh, absolutely.

9 MR. MARGOLIS: Okay. A lot of other purposes, a lot of  
10 productive purposes that they serve. I mean, aside from getting here to  
11 there and you know, you are free to travel about the country and all that  
12 good stuff.

13 PROSPECTIVE JUROR 580: Yes.

14 MR. MARGOLIS: Okay. Cars have these other purposes.  
15 Guns, as far as I can tell, put holes in things and people?

16 PROSPECTIVE JUROR 580: Yes.

17 MR. MARGOLIS: Okay. I agree with you. A gun can't kill a  
18 person without somebody pulling the trigger. I mean, say for like the  
19 gun rigged in the guy's shed, or something like --

20 PROSPECTIVE JUROR 580: Yeah.

21 MR. MARGOLIS: -- law school cases or whatever. But you  
22 know, yes, you need to have a trigger-happy human with a gun to make  
23 that gun a danger. Okay. But I think we heard the numbers earlier on in  
24 this case, that there's quite nearly a gun per a human being?

25 PROSPECTIVE JUROR 580: Yes.

1 MR. MARGOLIS: Okay. I don't own one, which means  
2 somebody's got mine, right? But the idea being with all of those guns,  
3 do you think that increases the likelihood of violence, or decreases it?

4 PROSPECTIVE JUROR 580: It -- I would think that it increases  
5 it.

6 MR. MARGOLIS: Okay. Increases it?

7 PROSPECTIVE JUROR 580: Yes.

8 MR. MARGOLIS: Okay. And if you and I are in a verbal  
9 disagreement, okay, and maybe we're even intimating that we're, you  
10 know, we're doing the puff the chest out thing and you know, kind of  
11 equivalent to the --

12 PROSPECTIVE JUROR 580: Yeah.

13 MR. MARGOLIS: -- the guy in the hallway thing, right. And I  
14 then do one of these [demonstrating], but presume I, you know, got a  
15 gun there, how do you take my sudden need to move my jacket?

16 PROSPECTIVE JUROR 580: It would depend on; a) if I knew  
17 you, it's got something to do with it too.

18 MR. MARGOLIS: Okay. So, I mean, first I like that answer  
19 and I think that actually invites more discussion. Let's say that you and I  
20 met each other, you know, five minutes ago at the 7-Eleven.

21 PROSPECTIVE JUROR 580: Okay.

22 MR. MARGOLIS: And I might have thought you took too  
23 long in front of me in line, right. And then you seem to like be  
24 disrespecting my personal spaces, we're leaving the 7-Eleven because  
25 you're stepping on the back of my shoes. So now you've got two strikes

1 against you, right?

2 And then I go to get in my car and damned if you haven't  
3 parked your car, so next to my car that I have to like make myself, you  
4 know, a coat hanger to get into my car, right? And those are the  
5 circumstances in which we have words, right?

6 PROSPECTIVE JUROR 580: Yes.

7 MR. MARGOLIS: And immediately after that, what's your  
8 interpretation?

9 PROSPECTIVE JUROR 580: That you actually -- may actually  
10 be going after a weapon?

11 MR. MARGOLIS: Okay. What is that -- what is that going to  
12 engender in you; actions have reactions, right? What is that going to  
13 cause you --

14 PROSPECTIVE JUROR 580: It would actually depend on if --  
15 hey, if I thought that yet my life was in harm or something, I would  
16 probably take a reaction to it. But -- but if I had a weapon in which I  
17 don't, I would not, you know what I mean --

18 MR. MARGOLIS: You don't have a weapon --

19 PROSPECTIVE JUROR 580: -- if I had one. Huh?

20 MR. MARGOLIS: You don't have a weapon, and I've just  
21 done this?

22 PROSPECTIVE JUROR 580: I depends on how at that  
23 moment -- how -- how they decide here, whatever you want to call it. I  
24 feel I may step out of the way.

25 MR. MARGOLIS: Okay.

1 PROSPECTIVE JUROR 580: Now, now if I was in close  
2 proximity, I -- I may actually tackle you.

3 MR. MARGOLIS: Okay. What do you think your being you in  
4 that situation, right, and me being, you know, this gun showing guy?

5 PROSPECTIVE JUROR 580: Oh, a gun showing. Well, see,  
6 what you --

7 MR. MARGOLIS: What do you think my reaction would be?

8 PROSPECTIVE JUROR 580: You didn't say a gun was  
9 showing gun.

10 MR. MARGOLIS: Oh, I'm sorry. Yeah. I meant to --

11 PROSPECTIVE JUROR 580: Yes.

12 MR. MARGOLIS: -- because, you know --

13 PROSPECTIVE JUROR 580: Okay.

14 MR. MARGOLIS: -- open carry. Right? I'm --

15 PROSPECTIVE JUROR 580: Yeah. Okay.

16 MR. MARGOLIS: I'm abiding by that law, I'm open carry.

17 PROSPECTIVE JUROR 580: Okay.

18 MR. MARGOLIS: Okay. But I show it to you in that context  
19 where we're three feet apart from each other and we clearly established  
20 that we're not bosom buddies, right?

21 PROSPECTIVE JUROR 580: Yeah.

22 MR. MARGOLIS: And then I decide to all of a sudden move  
23 my jacket and show you. How does that affect you? What do you --  
24 what do you believe my intention was?

25 PROSPECTIVE JUROR 580: That you were trying to scare me



1 to actually leave.

2 MR. MARGOLIS: Okay.

3 PROSPECTIVE JUROR 580: Yes.

4 MR. MARGOLIS: And that's just with me doing this?

5 PROSPECTIVE JUROR 580: Yes.

6 MR. MARGOLIS: Right?

7 PROSPECTIVE JUROR 580: Yes.

8 MR. MARGOLIS: Now you've handled a gun. Would you say  
9 that it would be a fair statement for me to make or assumption for me to  
10 make if I were to say that you, Mr. Martin, have certainly had more  
11 experience and dealt with guns more than most civilians?

12 PROSPECTIVE JUROR 580: Probably.

13 MR. MARGOLIS: Okay.

14 PROSPECTIVE JUROR 580: Yeah.

15 MR. MARGOLIS: And remind me, how long were you in the,  
16 the military? Not the logistics part, but the military active?

17 PROSPECTIVE JUROR 580: Almost 12 years.

18 MR. MARGOLIS: Okay. Almost 12 years?

19 PROSPECTIVE JUROR 580: Yes.

20 MR. MARGOLIS: I don't know what the a the average term of  
21 services in the military?

22 PROSPECTIVE JUROR 580: Twenty.

23 MR. MARGOLIS: Is it 20?

24 PROSPECTIVE JUROR 580: Well, that's -- that is -- that is the  
25 normal retirement. It's a 20, but I actually stayed 26 years.

1 MR. MARGOLIS: But not everybody -- I mean that's a career  
2 military person, right?

3 PROSPECTIVE JUROR 580: Yes.

4 MR. MARGOLIS: Okay. Like, I don't know, and I don't know  
5 if you know, but does the average soldier do four years, eight years?

6 PROSPECTIVE JUROR 580: It very varies, it varies.

7 MR. MARGOLIS: It varies.

8 PROSPECTIVE JUROR 580: -- I mean --

9 MR. MARGOLIS: You can't even say in hours, right?

10 PROSPECTIVE JUROR 580: No.

11 MR. MARGOLIS: Okay. Well, let me ask you -- well, you  
12 know what, I should probably move on for you, Mr. Martin, because you  
13 are very experienced with the guns. So let me see if I can find  
14 somebody who's less experienced --

15 PROSPECTIVE JUROR 580: Okay.

16 MR. MARGOLIS: -- with the guns. And I believe I know  
17 someone who is less experienced with the guns, because he might have  
18 told us. So.

19 And let's see, Mieszala, Mr. Mieszala, right? I didn't want to  
20 mispronounce it, and first I had to find you in the scribble on my page,  
21 but you said something that drew my attention because it sounded fairly  
22 similar to something I've said out loud before, which is that I think you  
23 said, "I don't have a gun," right?

24 PROSPECTIVE JUROR 646: Correct.

25 MR. MARGOLIS: And you are still here?

1 PROSPECTIVE JUROR 646: Correct?

2 MR. MARGOLIS: And a little smile crept across my face  
3 when I've heard that, because it seemed to me that you were addressing  
4 a common, common theme in this gun debate that we've been having in  
5 this country. Okay? Which is that whenever you ask, you know, Joe  
6 neighbor, why he has to have a gun, he says, to protect myself and my  
7 family, right?

8 PROSPECTIVE JUROR 646: That's correct.

9 MR. MARGOLIS: Okay. And when Joe neighbor says that, in  
10 my mind, I think, does Joe neighbor have a bunch of marauding, violent  
11 Huns knocking at his door on every given day? And to be fair, Joe  
12 neighbor might, okay, Joe neighbor might. But my general impression  
13 is that Joe neighbor does not, and I took your statements to mean that  
14 you felt like Joe neighbor probably doesn't either. Is that fair?

15 PROSPECTIVE JUROR 646: That's fair.

16 MR. MARGOLIS: Okay. So the I need a gun for self-defense  
17 argument, you find a bit dubious, yes.

18 PROSPECTIVE JUROR 646: Yes.

19 MR. MARGOLIS: And if I were to put you in the same  
20 position that I put Mr. Martin in, you know, and we're at the 7-Eleven and  
21 you're chatting up the cashier and it's taking forever and I'm getting  
22 annoyed and visibly annoyed, right? And then we finally get out the  
23 door and you know, in spite of the fact that you were in front of me, you  
24 managed to keep talking to the cashier, and now you're right on my  
25 heels going out the door, right? And then the car park situation, and at

1 this point, I've just lost my patience with you and you are a nuisance that  
2 I can no longer endure, right? And I decide to do this [demonstrating].  
3 Okay? How do you react? What is your impression? How is it the same  
4 or different than what Mr. Martin said?

5 PROSPECTIVE JUROR 646: Intimidation.

6 MR. MARGOLIS: Okay.

7 PROSPECTIVE JUROR 646: I'd be intimidated.

8 MR. MARGOLIS: One word, "intimidation," okay? In other  
9 words, there's one reason and one reason only for that, right? Okay. I  
10 mean, how many -- thank you very much.

11 Let me ask this question, and I'm really -- I want really want  
12 you to give me the show of hands, even though you're not giving me the  
13 show of hands. I mean raising the hand is easier than talking. Right?  
14 I'm just going to ask you for the show of hands. I guess I'll rephrase it  
15 this way. Gun in the household. Okay? Thank you very much.

16 Mr. Wallin?

17 PROSPECTIVE JUROR 455: Sir?

18 MR. MARGOLIS: I believe you raised your hand in the  
19 affirmative, yes?

20 PROSPECTIVE JUROR 455: That is correct.

21 MR. MARGOLIS: Okay. So you own a firearm, I'm going to  
22 take it to -- you know, I'm going to assume that firearm is there to protect  
23 your family if need be.

24 PROSPECTIVE JUROR 455: Yes, sir.

25 MR. MARGOLIS: Are you a hunter?

1 PROSPECTIVE JUROR 455: I'm a veteran.

2 MR. MARGOLIS: Okay, veteran. All right. So do you feel  
3 that if you didn't have that gun in your household, you would be less  
4 safe?

5 PROSPECTIVE JUROR 455: I'm also a martial artist, so that's  
6 kind of a trick question for me. I feel, especially getting older, that I have  
7 the less ability to depend on my physical abilities, and now it's more of a  
8 shift to a tool for my protection.

9 MR. MARGOLIS: So almost like if you were a little younger,  
10 you might not feel as much of a desire to have it?

11 PROSPECTIVE JUROR 455: That would be fair.

12 MR. MARGOLIS: Okay. Thank you very much. If you could  
13 pass that mic just right next door.

14 Mr. Rapanos?

15 PROSPECTIVE JUROR 605: Rapanos, yes.

16 MR. MARGOLIS: Okay.

17 PROSPECTIVE JUROR 605: Rapanos, yes, sir.

18 MR. MARGOLIS: Close, right?

19 PROSPECTIVE JUROR 605: Yes.

20 THE CLERK: A gun in your household?

21 PROSPECTIVE JUROR 605: Yes, sir.

22 MR. MARGOLIS: Hunter?

23 PROSPECTIVE JUROR 605: Never been hunting.

24 MR. MARGOLIS: Okay. So fair to say you have it for  
25 protection of yourself and your family, if need be?

1 PROSPECTIVE JUROR 605: Yes, sir.

2 MR. MARGOLIS: Okay. How long have you had to firearm

3 him in your household?

4 PROSPECTIVE JUROR 605: Probably seven, eight years.

5 MR. MARGOLIS: Pray tell, you never had to --

6 PROSPECTIVE JUROR 605: No.

7 MR. MARGOLIS: Thank goodness.

8 PROSPECTIVE JUROR 605: Yeah.

9 MR. MARGOLIS: Okay. How many people live in the house?

10 PROSPECTIVE JUROR 605: Two.

11 MR. MARGOLIS: Just you and your --

12 PROSPECTIVE JUROR 605: Me and my youngest son, yes.

13 MR. MARGOLIS: Okay. And has he ever handled the

14 weapon, fired the weapon, used the weapon?

15 PROSPECTIVE JUROR 605: Not in the house, but at the

16 shooting range --

17 MR. MARGOLIS: Oh, that's good.

18 PROSPECTIVE JUROR 605: or -- you know, for practice, yes.

19 MR. MARGOLIS: A good clarification. Yeah. I didn't -- that

20 was not -- that's not a great question, buddy, I apologize. Yeah, that

21 would be something. Okay.

22 PROSPECTIVE JUROR 605: Gun safety is very important.

23 MR. MARGOLIS: Gun safety is very important. Okay.

24 And do you feel that every gun owner has your attitude

25 toward gun safety and exemplifies it in this country?

1 PROSPECTIVE JUROR 605: Probably not, but they should.

2 MR. MARGOLIS: Okay. Is there a way, if you were, you  
3 know, Oz, today, what would you do to make that happen?

4 PROSPECTIVE JUROR 605: If I was what?

5 MR. MARGOLIS: If you were Oz, you know, if you had  
6 infinite powers?

7 PROSPECTIVE JUROR 605: Oh, okay.

8 MR. MARGOLIS: Okay. How would you make every gun  
9 owner be responsible? What, what would that look like? How would -- I  
10 mean, what could you do?

11 PROSPECTIVE JUROR 605: Classes and training.

12 MR. MARGOLIS: Okay. Don't we do that?

13 PROSPECTIVE JUROR 605: Yeah. But no one can force you  
14 to go to the school.

15 MR. MARGOLIS: So it's optional?

16 PROSPECTIVE JUROR 605: Yes, it is.

17 MR. MARGOLIS: Oh, yeah. On your honor, good stuff. I  
18 never find those liquor stores where they say "pay what you owe" at the  
19 counter, but if I did I'd frequent them all. All right. Thank you,  
20 Mr. Rapanos, I appreciate it.

21 All right. Ms. Stevenson? I didn't catch whether you had  
22 was up or not, so tell me do you have --

23 PROSPECTIVE JUROR 606: Stevenson, Emilie.

24 MR. MARGOLIS: All right. Do you have a gun in your  
25 household?

1 PROSPECTIVE JUROR 606: Yeah.

2 MR. MARGOLIS: You do?

3 PROSPECTIVE JUROR 606: Yes.

4 MR. MARGOLIS: Okay. How long have you had it?

5 PROSPECTIVE JUROR 606: Maybe five years.

6 MR. MARGOLIS: Have you ever fired it?

7 PROSPECTIVE JUROR 606: Yes. In the -- in the range.

8 MR. MARGOLIS: In the gun range?

9 PROSPECTIVE JUROR 606: Yes.

10 MR. MARGOLIS: Not at some evil doer, coming to --

11 PROSPECTIVE JUROR 606: No.

12 MR. MARGOLIS: -- mean you harm, thankfully. Okay, good.

13 Anybody else in your house know how to use the firearm?

14 PROSPECTIVE JUROR 606: Yes.

15 MR. MARGOLIS: Okay. Do you feel safer now than you did

16 five years ago?

17 PROSPECTIVE JUROR 606: Actually, not really, but you

18 know for us as I have said, I am a Filipino, in the Philippines we -- we

19 own guns too. And we, my father used to teach us how to go to the

20 range and do these things. So I am also bringing my kids here, and they

21 own their own guns also. But we own guns here in Nevada. Through --

22 we have training, yes.

23 MR. MARGOLIS: Uh-huh. Do your kids open carry their

24 guns? Do they walk around?

25 PROSPECTIVE JUROR 606: No. I have a -- I -- I'm licensed to



1 carry, but I don't.

2 MR. MARGOLIS: Oh, you don't?

3 PROSPECTIVE JUROR 606: No.

4 MR. MARGOLIS: How come?

5 PROSPECTIVE JUROR 606: For me, I just don't want that I

6 will -- I have seen a lot of altercation, that when you are so angry you

7 don't really decide on what to do, and if you have guns, you might

8 choose it, that is on my own opinion.

9 MR. MARGOLIS: The potential for danger --

10 PROSPECTIVE JUROR 606: Yes. Yes.

11 MR. MARGOLIS: -- is greater, when the gun is around?

12 PROSPECTIVE JUROR 606: Yes.

13 MR. MARGOLIS: A gun can't kill anyone, as Mr. Martin said,

14 but the person probably couldn't kill anyone without the gun's assistance

15 either, yeah?

16 PROSPECTIVE JUROR 606: Correct.

17 MR. MARGOLIS: Okay. Thank you.

18 Let me ask Mr. Matsubara a question or two.

19 First of all let me say I am thrilled that you are uncomfortable

20 sentencing anyone to a long time in prison, but a job is a job, right?

21 PROSPECTIVE JUROR 587: Uh-huh.

22 MR. MARGOLIS: So as I sit there with Mr. Lepolo right now,

23 do you think he's guilty?

24 PROSPECTIVE JUROR 587: I don't know.

25 MR. MARGOLIS: If you had to vote right now, what would

1 you vote?

2 PROSPECTIVE JUROR 587: I would say innocent.

3 MR. MARGOLIS: Even better than not guilty, I like it. Okay.

4 Let me think about how I'm going to ask this. You said  
5 that you would be uncomfortable on a jury, right?

6 PROSPECTIVE JUROR 587: Yes.

7 MR. MARGOLIS: Okay. What if I told you that a little bit of  
8 discomfort is probably warranted, do you think that's probably right?

9 PROSPECTIVE JUROR 587: I'm sorry, I don't understand the  
10 question.

11 MR. MARGOLIS: Let me ask it a different way; it's a poor  
12 question. If you had to guess, okay, do you think anybody in this room  
13 with you amongst the potential jurors is like really jonesing to go back  
14 there and deliberate on this case, is really excited about it?

15 PROSPECTIVE JUROR 587: Maybe. Maybe so.

16 MR. MARGOLIS: You do?

17 PROSPECTIVE JUROR 587: I don't know.

18 MR. MARGOLIS: Tell me who they are. All right. Tell me  
19 who they are? I'm pretty sure I'm the only guy in this room jonesing to  
20 be a juror, because it's probably never going to happen, right? Like my  
21 ship has probably sailed on that front. But I guess what I'm trying to get  
22 at, you're not helping get there, so I'm just going to make it a statement.

23 I think the most people in your seat, and among your  
24 brethren here, are a little bit uncomfortable about the proposition, okay.  
25 And unfortunately, you know, the old adage is pressure makes diamonds

1 and iron sharpens iron. And so even though there might be 12 of you  
2 uncomfortable people in there, okay, and they made a movie about this,  
3 they called it 12 angry men; it was really. They made them remake of it.  
4 It is not as good, but still pretty good. But some discomfort is warranted,  
5 it's a difficult task.

6 It is a noble task, and it is a necessary task, you know, and  
7 we've had plenty of people on this panel that have told us about how  
8 they came from different countries, and while this country's criminal  
9 justice system has its warts, every single one amongst us would line up  
10 to be tried in this system before those other systems.

11 PROSPECTIVE JUROR 587: Uh-huh.

12 MR. MARGOLIS: You know. So do you think you can be fair  
13 to Mr. Lepolo, despite your discomfort?

14 PROSPECTIVE JUROR 587: I don't know if I can, a hundred  
15 percent, just because -- I don't know. I would, if -- if someone told me,  
16 like if I'm the actual person, then I would probably, but I don't like to like,  
17 talk in groups, do like group, you know, group debates and like, I don't  
18 think I could stand for myself, my opinion.

19 MR. MARGOLIS: All right.

20 PROSPECTIVE JUROR 587: My actual opinions.

21 MR. MARGOLIS: You bring up a good point and that  
22 touched on something that I heard you say earlier that I wanted to bring  
23 up with you, and I might not have as yet --

24 PROSPECTIVE JUROR 587: Uh-huh.

25 MR. MARGOLIS: So, you know, I'll let you off the hook for a

1 minute, but I'm probably going to come back to you.

2 PROSPECTIVE JUROR 587: Uh-huh.

3 MR. MARGOLIS: Because I want do another hand raise  
4 activity. Okay. Who amongst my panel here thinks that they have strong  
5 opinions? Okay. And let me give you an example of strong opinions.  
6 Okay? If you say to me Del Taco or Taco Bell, I'm going to say Del Taco,  
7 and I can give you like a five paragraph essay on why. Okay.

8 I had a girlfriend once, I said, in my humble opinion, she  
9 looked at me deadpan and said, you don't have humble opinions. Okay?  
10 She was absolutely right, okay. And touché, she got me. I just -- I just, I  
11 had to laugh even though it was at my expense, because it was well  
12 played. Okay.

13 So strong opinions. Okay. Who said -- who amongst you  
14 thinks they have strong opinions? Lone gunman, come on? All right.  
15 Let's have some strong opinions.

16 Ms. Burns?

17 PROSPECTIVE JUROR 318: Yes.

18 MR. MARGOLIS: Okay. When I ask strong opinions, I'm  
19 asking because there might be -- it might be 9 to 3, it might be 10 to 2, or  
20 better yet it might be 11 to 1. Okay? And it could be 11 to 1 in favor of  
21 Taco Bell and I'm going down with the ship. Okay. So you think if you  
22 were in that room and you were 11 to 1 and you were the holdout that  
23 you could hold out?

24 PROSPECTIVE JUROR 318: Absolutely.

25 MR. MARGOLIS: What do you think gives you that strength?

1 PROSPECTIVE JUROR 318: I think the way I was raised has a  
2 lot to do with it. My religion has a lot to do with it. Most of the time I'm  
3 an pretty even keel person, but there are certain things that I have very  
4 strong beliefs in, and I will defend those to the end. I'm not going to say,  
5 well, because everybody else says, yes, I'm going to say yes, no; if I  
6 don't want to, I won't do it.

7 MR. MARGOLIS: Okay.

8 PROSPECTIVE JUROR 318: So I have my own opinions  
9 about a lot of things.

10 MR. MARGOLIS: I hear it, sister and I like it. So let's say, you  
11 know, what happens in situations like that oftentimes is that the 9, 10 or  
12 11 are going to start to grouse and they're going to be like, come on,  
13 Burns, you stick in the mud, what the hell? Right? Okay. And it might  
14 start subtle, but it'll probably get a little louder. Okay. Not going to  
15 bother you, right?

16 PROSPECTIVE JUROR 318: No.

17 MR. MARGOLIS: Perfect. Mr. Lane?

18 PROSPECTIVE JUROR 538: Yeah.

19 MR. MARGOLIS: Let's hear from you, another strong opinion  
20 holder. Okay. I evoked 12 angry man for a reason. I want to know  
21 who's going to be strong like bull, with respect to their own opinion.  
22 Okay? You said you were going to be, what do you think gives you the  
23 strength to do that?

24 PROSPECTIVE JUROR 538: I have strong positions on many  
25 things like, you know, other people do in the, in the room and, you know,

1 and research that and come to those opinions and you feel very  
2 comfortable in that opinion. And given the women's rights, gun control,  
3 current political situation, stuff like that as far as in a jury room on your  
4 11 to 1 sequence, after talking with your fellow jurors --

5 MR. MARGOLIS: Uh-huh.

6 PROSPECTIVE JUROR 538: -- going through the facts and  
7 stating your opinion, and they're stating theirs, and you know, I don't  
8 think you would sway just because, you know, you want to go away for  
9 the weekend and don't want to be sequestered to the golden nugget, you  
10 know, that's --

11 MR. MARGOLIS: Oh, Mr. Lane, you'd be surprised --

12 PROSPECTIVE JUROR 538: I know that's the --

13 MR. MARGOLIS: -- it --

14 PROSPECTIVE JUROR 538: I know that's the -- I know that's  
15 the reality. You know, I know you're speaking of the reality and none of  
16 us, well, some of us have been in a jury box, and myself has not. So  
17 yeah, you don't know when you get in there with your other 11 jurors  
18 who, you know, you're, it, you're, you're the club now, you know, and  
19 the weight of what's being decided, you know, as I stated, there's --  
20 there's no real winner in this, and it's very weighty. And so, you know,  
21 do I one hundred percent know what will happen in the jury -- in the jury  
22 room with my fellow 11 people? I don't think you do until you're there.

23 MR. MARGOLIS: Sure.

24 PROSPECTIVE JUROR 538: You can only go by how you've  
25 lived your life and your convictions on life.

1 MR. MARGOLIS: Okay? Yes?

2 PROSPECTIVE JUROR 318: Can I follow up on this?

3 MR. MARGOLIS: Absolutely, Ms. Burns.

4 PROSPECTIVE JUROR 318: Just for a minute.

5 MR. MARGOLIS: Music to my ears, go for it.

6 PROSPECTIVE JUROR 318: Okay. So if -- take the 11/1,  
7 situation --

8 MR. MARGOLIS: Sure.

9 PROSPECTIVE JUROR 318: I probably would say to them,  
10 prove to me that I'm wrong.

11 MR. MARGOLIS: Perfect.

12 PROSPECTIVE JUROR 318: And then maybe I would change  
13 my mind, but until somebody can show me another way of doing it --

14 MR. MARGOLIS: Sure.

15 PROSPECTIVE JUROR 318: -- that's how I think it works.

16 MR. MARGOLIS: I mean, this is all both sides want, right?

17 PROSPECTIVE JUROR 318: Right.

18 MR. MARGOLIS: I mean, the idea is, look, you have your  
19 opinion, but that doesn't mean your opinion is etched in stone, never to  
20 be --

21 PROSPECTIVE JUROR 318: Correct.

22 MR. MARGOLIS: -- revisited based upon new facts. It's like  
23 you can't just have this strong opinion and I'm not looking to let the facts  
24 get in the way.

25 PROSPECTIVE JUROR 318: Exactly. Maybe I missed

1 something, point it out to me.

2 MR. MARGOLIS: Right. Right. Exactly.

3 PROSPECTIVE JUROR 318: And then let me make my own  
4 decision.

5 MR. MARGOLIS: Perfect. I mean that is -- that would be a  
6 great jury room if that were to happen. Thank you Ms. Burns.

7 All right. You're up again, Mr. Matsubara. I don't think  
8 you're alone. Okay. Now you said under those circumstances, you're,  
9 you're not a big conflict guy, right? You're not a put up your dukes and  
10 let's fight it out, man, right?

11 PROSPECTIVE JUROR 587: Uh-huh.

12 MR. MARGOLIS: Like if -- if you are in a room and 10 jurors  
13 see it one way, and you and one other juror see it another way, you're  
14 probably more inclined than the other hold out to join the crowd, right?

15 PROSPECTIVE JUROR 587: Uh-huh.

16 MR. MARGOLIS: Your words, right, fair?

17 PROSPECTIVE JUROR 587: Yes.

18 MR. MARGOLIS: Okay. Would you at least make them  
19 convince you, or would you just capitulate because it was 10 to 2?

20 PROSPECTIVE JUROR 587: Like I would hear out what their  
21 opinions are before like actually changing my mind, but I don't know, it's  
22 just me that -- like, I don't really want to be like the one that's left out, out  
23 of the group. So before that happens --

24 MR. MARGOLIS: So you feel like you were excluded if you  
25 were on the short number of the verdict, right? Like if --



1 PROSPECTIVE JUROR 587: Yeah.

2 MR. MARGOLIS: -- you were on the --

3 PROSPECTIVE JUROR 587: Uh-huh.

4 MR. MARGOLIS: The less powerful part of the big brother

5 house --

6 PROSPECTIVE JUROR 587: Uh-huh.

7 MR. MARGOLIS: -- you would feel troubled, right?

8 PROSPECTIVE JUROR 587: Yeah.

9 MR. MARGOLIS: Thank you. I appreciate the honesty.

10 Ms. Saldivar, I don't think I've spoken to you yet, and I would

11 be remiss if I didn't. So you think you're more of a swaying palm tree in

12 the breeze, or a solid oak tree, immoveable, in the jury room?

13 PROSPECTIVE JUROR 504: In regards to if I would follow or

14 keep my --

15 MR. MARGOLIS: No. I mean, let's say that, you know, you

16 take an initial vote back there it's, you know, 8/4 and you're on the 4 side,

17 are you going to be like, oh, well you 8 saw it that way, I must have done

18 something wrong?

19 PROSPECTIVE JUROR 504: Unfortunately, sometimes that's

20 how I am even, you know, whether it's at work, anywhere where it's like

21 a big group --

22 MR. MARGOLIS: Uh-huh.

23 PROSPECTIVE JUROR 504: -- sometimes I will just end up

24 switching over as a follower instead of keeping -- if I see that they have

25 more of like, hey, this is what's going on, then I'll go with that.

1 MR. MARGOLIS: Not going to lead a minority sect in the  
2 other direction?

3 PROSPECTIVE JUROR 504: It -- it's hard for me sometimes  
4 to --

5 MR. MARGOLIS: Okay.

6 PROSPECTIVE JUROR 504: -- to do that.

7 MR. MARGOLIS: I mean, but when I'm hearing you say that,  
8 it almost feels like you wish sometimes you were a little more --

9 PROSPECTIVE JUROR 504: Yes, all the time.

10 MR. MARGOLIS: All the time.

11 PROSPECTIVE JUROR 504: Even when speaking in public  
12 and everything, like I am very where I don't want to talk --

13 MR. MARGOLIS: You're doing great now.

14 PROSPECTIVE JUROR 504: But then once I'm done it's like, I  
15 should have said this. I should have said that. I should have thought  
16 about this

17 MR. MARGOLIS: Well, since you said it, since you said it,  
18 what should the State and I have asked you? What do you feel like you  
19 should have said, that you haven't said here today, based on the kind of  
20 the discussions we've had?

21 PROSPECTIVE JUROR 504: I don't --I can't think of anything  
22 right now.

23 MR. MARGOLIS: Nothing at all?

24 PROSPECTIVE JUROR 504: No.

25 MR. MARGOLIS: Okay. All right. Thank you very much, Ms.

1 Saldivar.

2 All right. I hate to do this, but it's entirely possible that I have  
3 omitted someone; whom have I not spoken to directly? I can -- never  
4 mind, I can already see, Mr. Mendez?

5 PROSPECTIVE JUROR 269: So if you're in the jury room,  
6 what do you think? Are you more of a go along, to get along guy or I've  
7 never had a humble opinion in my life and I'm standing to the death on  
8 this one?

9 PROSPECTIVE JUROR 269: If -- if I'm not given a reason to  
10 change my mind, if there's not a convincing argument or compelling  
11 evidence, then I'm going to stand my ground on what I believe.

12 MR. MARGOLIS: You're going to say, sell me. Right?

13 PROSPECTIVE JUROR 269: Pretty much.

14 MR. MARGOLIS: Okay. Two days later, stalemate; still feel  
15 the same way.

16 PROSPECTIVE JUROR 269: I'll be tired, but yeah.

17 MR. MARGOLIS: Perfect answer. Thank you very much.

18 Court's indulgence for a minute. Thanks.

19 [Pause]

20 MR. MARGOLIS: Fair enough. A couple more minutes.

21 Sorry, thank you.

22 Mr. Monarrez? I haven't heard much from you today. I  
23 remember hearing from you yesterday.

24 PROSPECTIVE JUROR 597: Yes.

25 MR. MARGOLIS: So if given those two choices, okay, I

1 realize it's a binary option, and that's not great, but oak tree or palm  
2 tree?

3 PROSPECTIVE JUROR 597: Oak tree, being more sturdy in  
4 your --

5 MR. MARGOLIS: More sturdy and also, you know,  
6 potentially the negative connotation of that is, you know, pigheaded,  
7 stubborn, Lord knows I know about that.

8 PROSPECTIVE JUROR 597: I like to see myself as an open-  
9 minded person.

10 MR. MARGOLIS: Okay.

11 PROSPECTIVE JUROR 597: I don't make any judgment  
12 unless I hear all the facts and I see everything. I was raised that type of  
13 person, I'm still that type of person, even now in my early twenties; and I  
14 apply that to literally almost all situations. I don't like to judge a book by  
15 a cover. I'd say I never do it, but I try my best not to do it.

16 MR. MARGOLIS: Right. I mean, I don't think any of us can  
17 ever do it. I mean, it's little joke, stereotypes are a real timesaver.

18 PROSPECTIVE JUROR 597: Uh-huh.

19 MR. MARGOLIS: Right. But what happens when you catch  
20 yourself being lazy in that regard and kind of judging the book by its  
21 cover? How often do you kind of catch yourself mid-thought and say,  
22 yeah, don't do that, first of all?

23 PROSPECTIVE JUROR 597: Pretty quickly on I -- I will jump,  
24 make a quick judgment and I'm like, wait, I don't know anything about  
25 them, or I don't know anything about the situation, let me dial it back,

1 and I don't know the facts yet, so I need to keep an open mind about it.

2 MR. MARGOLIS: Let me ask you this. Do you think the  
3 majority of people are inclined to do what you do when they have that  
4 snap judgment?

5 PROSPECTIVE JUROR 597: That I don't know actually. I  
6 would hope that everybody would keep an open mind.

7 MR. MARGOLIS: Uh-huh.

8 PROSPECTIVE JUROR 597: But I can't really judge them for  
9 that; maybe they do, maybe they don't.

10 MR. MARGOLIS: Right, fair enough. Let me rephrase it a  
11 little bit, because I agree, you probably can't speculate about, you know,  
12 some metaphysical group of people. Do you feel like you seek out  
13 people in your life that are inclined to do what you do and examine their  
14 snap judgments and their biases? And --

15 PROSPECTIVE JUROR 597: I like to see myself, like when I  
16 either friends or family member make a quick judgment, I'm like, wait,  
17 I'm the one to tell him like, do you know everything about it? Do you  
18 know the facts about it? And when they tell me no, then I'm like, well,  
19 how can you come to your conclusion without knowing everything  
20 before, like passing judgment onto them?

21 MR. MARGOLIS: So sometimes you're the voice of  
22 reasoning --

23 PROSPECTIVE JUROR 597: Yeah. I get that a lot with family  
24 and friends ever, since middle school, that I'm like the mediator, I'm the  
25 always the one that like, what's your side of the story? What's your side

1 of the story? And let me -- I'm like the third person point of view to like,  
2 see into something

3 MR. MARGOLIS: The objective arbitrator, not affected by  
4 dissuasive emotion. Very good. Thank you Cristobal.

5 All right, Ms. Acosta. I think I know the answer, but I'm  
6 asking, because you've been pretty direct about it. Palm tree or oak  
7 tree?

8 PROSPECTIVE JUROR 670: Palm tree, I guess.

9 MR. MARGOLIS: Okay. Are there ever situations where you,  
10 an admitted, self-admitted palm tree becomes an oak tree?

11 PROSPECTIVE JUROR 670: I don't know. Like, I can't even  
12 recall anything.

13 MR. MARGOLIS: All right. So let me ask it this way. You  
14 have to have gotten mad at some point in your time on this mortal coil?  
15 Yes?

16 PROSPECTIVE JUROR 670: Somewhat mad, I guess.

17 MR. MARGOLIS: Somewhat mad. I'll take it. I'll take it. All  
18 right. So on some occasion you got somewhat mad, right?

19 PROSPECTIVE JUROR 670: Yeah.

20 MR. MARGOLIS: Okay. And I'm guessing someone did  
21 something to you, said something about you hurt, someone you cared  
22 about that prompted these feelings of so-so madness.

23 PROSPECTIVE JUROR 670: Yes.

24 MR. MARGOLIS: Okay. And at that point when you became  
25 so-so mad, were you resolved to make it known to this individual?

1 PROSPECTIVE JUROR 670: Yeah.

2 MR. MARGOLIS: That you had a beef?

3 PROSPECTIVE JUROR 670: Some ways? Yeah.

4 MR. MARGOLIS: Some ways, yes. Okay. What did you do,  
5 what did you do?

6 PROSPECTIVE JUROR 670: I guess a family member. Talk  
7 about my other family member --

8 MR. MARGOLIS: Uh-huh.

9 PROSPECTIVE JUROR 670: With, I guess I deeply care about  
10 this family member and I just talk like, you can't talk about this to my  
11 family member. Okay.

12 MR. MARGOLIS: Okay. So you didn't like grab a stick and  
13 start beating the person, talking about the other family member, but you  
14 made it known, right?

15 PROSPECTIVE JUROR 670: Uh-huh Yes, that's correct.

16 MR. MARGOLIS: Okay. And do you feel like you'll be able to  
17 do that in the jury room if somebody says something that you don't  
18 agree with about a piece of evidence or about a piece of testimony?

19 PROSPECTIVE JUROR 670: Yes. In a way, yes.

20 MR. MARGOLIS: In a way?

21 PROSPECTIVE JUROR 670: Yeah.

22 MR. MARGOLIS: All right. Tell me in what way you could,  
23 and in what way you couldn't, because you are champion hedger. I  
24 mean, if I took you to the sports book, I would say, where do I hedge,"  
25 because you were very good at hedging. So what -- in what way could

1 you, in what way couldn't you?

2 PROSPECTIVE JUROR 670: I don't know.

3 MR. MARGOLIS: All right. I will let you off the hook.

4 Anybody want to volunteer anything to all of us in this room  
5 that neither myself or the State have inquired, that you feel like we  
6 should know? Hearing no volunteers, I will mercifully let you out.

7 Thank you very much for your kind attention, and Mr. Lepolo  
8 thanks you as well.

9 THE COURT: Mr. Margolis, does the defense pass the panel?

10 MR. MARGOLIS: Yes, Your Honor.

11 THE COURT: All right, thank you.

12 So ladies and gentlemen, at this point in time you'll see the  
13 parties going back and forth with a white piece of paper. If you  
14 remember yesterday when I was discussing that in this type of case,  
15 each side gets nine peremptory challenges. That means that we call  
16 them nine strikes or nine kicks. After each side does their nine, it means  
17 we have 14 qualified jurors.

18 In order for them to do that you have to be seated in the  
19 seats that you are in, because there's kind of a method to the madness  
20 and it helps to be able to see what face is with which name on what seat.  
21 But please feel free to talk quietly amongst yourselves, pull out your  
22 phones, make sure that they're, you know, they're silent, but you can go  
23 ahead and look at them. And then I do need to talk to the parties really  
24 quick about the sheet of paper.

25 [Sidebar begins at 2:48 p.m.]



1 THE COURT: So obviously 8 plus 1, the last one has to be on  
2 an alternate, a waiver of 1 is not a waiver [indiscernible].

3 MR. MARGOLIS: Thank you. Can you have them leave the  
4 noise on? Thank you.

5 MR. GIORDANI: Yes.

6 [Court and Clerk confer]

7 [Pause]

8 [Counsel confer]

9 MR. GIORDANI: Judge, may we approach?

10 [Sidebar begins at 3:08 p.m.]

11 MR. GIORDANI: So that's [indiscernible]. So I just want to  
12 make sure we're on the same page. The four alternates are the only --

13 THE COURT: 29 through 32.

14 MR. GIORDANI: Well, he -- they kicked 32 already, so --

15 THE COURT: Oh.

16 MR. GIORDANI: -- we're now --

17 THE COURT: 28 through 31?

18 MR. GIORDANI: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 -- so 26  
19 through 31 are the only ones we can use as [indiscernible].

20 MR. MARGOLIS: Got you. Okay. Perfect.

21 THE COURT: What do you -- because he already kicked 27.

22 MR. GIORDANI: We waived it. And then he kicked Juror 32.

23 THE COURT: So you're adding two more to it?

24 MR. GIORDANI: No. So the only -- the alternates are 26  
25 through 31.

1 THE COURT: I guess what I'm consuming -- that's only five.  
2 And we only have -- because you're saying he just used it earlier, so he  
3 can use the one --

4 MR. GIORDANI: No. Wait. Hold on. Have we got the same  
5 count?

6 MR. MARGOLIS: Okay. So 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12.  
7 You can no longer use your last one on any juror before -- before 26.

8 MR. MARGOLIS: Okay.

9 MR. GIORDANI: That's all I'm saying.

10 MR. MARGOLIS: Yeah.

11 MR. GIORDANI: I just want to make sure --

12 THE COURT: Yeah.

13 MR. GIORDANI: -- we're on the same page.

14 MR. MARGOLIS: Okay.

15 THE COURT: He's already used [indiscernible].

16 [Sidebar ends at 3:09 p.m.]

17 THE COURT: Okay. If you hear your name, please stand.

18 Pamela Charles, 254. Benjamin Auten, 260. Bailey Acosta, 286.

19 Christopher Durrett, 304. Joseph Overmyer, 314. Dimitri Grigorov, 523.

20 Omar Lopez, 531. Allison Daniel, 359. Steven Lane, 538. Kelley Hamlet,

21 564. Sherry Van Natta, 390. James McFerron, 401. Marisa Magatelli,

22 414. Ren Matsubara, 587. Joseph Mieszala, 646. Emilie Stevenson, 606.

23 Wayne Davenport, 607. And Margarita Saldivar, 504.

24 All right. For those of you standing, if you could please -- or  
25 not exit, but go to the back of the room for me. You don't have to sit

1 down, just, kind of, stand. Those of you that have remained seated in  
2 my first 32, you guys are our jurors. Those of you that are standing, and  
3 those of you that we didn't get to, I really appreciate you being here, and  
4 I'm sorry that we couldn't get to you, but I'm sure that you're fine with  
5 that. So thank you so much for your willingness to serve, but you are  
6 excused at this point in time.

7 THE MARSHAL: And if I could grab everybody's badge  
8 before they leave. Thanks.

9 [Excused Prospective Jurors out at 3:15 p.m.]

10 THE COURT: Mr. Mendez, could you scoot down to seat 1,  
11 for me? Ms. Smith and Ms. Romero, can you guys scoot down to seats 2  
12 and 3, for me? Ms. Acosta, will go up to seat 4? Why am I saying that,  
13 Ms. Griffith? I'm looking at you, but I'm saying "Acosta." I'm sorry.  
14 Followed by Ms. Long. Followed by Ms. Burns, right -- turn, yeah, right  
15 behind you.

16 All right. Miss -- is it -- do I say it Mazzanti?

17 PROSPECTIVE JUROR 346: Mazzanti.

18 THE COURT: Yeah. Would you go right behind you, into that  
19 corner? Thank you. Followed by Mr. Martin. Ms. Jackson-Hale. Mr.  
20 Palmer. Ms. Ali. Mr. Rapanos. Mr. Wallin. And then Mr. Monarrez. So  
21 as for Mr. Wallin and Mr. Monarrez, as long as you guys stay with Mr.  
22 Wallin, going in first, you guys can seat -- sit anywhere in that third row -  
23 - oh, sorry. So he -- you have to be first. Yeah. So it can be -- yeah.  
24 Now it can be anywhere. So what I meant is, you have to be before him  
25 in -- in line, but you guys can sit anywhere. Does that make sense?

1 UNIDENTIFIED JUROR: [No verbal response].

2 THE COURT: Yeah. All right. Okay. So I am going to -- you  
3 are our jury. I'm going to read some opening introduction -- introduction  
4 remarks to you. Because when we get here in the morning, the parties  
5 are going to go into what's referred to as opening statements. And so I'd  
6 like to start fresh with those, all right?

7 MR. GIORDANI: Your Honor, may we approach?

8 THE COURT: Yeah.

9 [Sidebar begins at 3:17 p.m.]

10 MR. GIORDANI: I thought you said, today, [indiscernible]  
11 outside. I thought we were doing it today?

12 THE COURT: Oh, okay. We can.

13 MR. GIORDANI: Are you guys okay with that?

14 MR. MARGOLIS: I'm fine.

15 THE COURT: All right. No, I'm sorry. I didn't -- if I said that, I  
16 had just forgotten it. But that's totally fine.

17 MR. GIORDANI: Yeah. Okay.

18 THE COURT: Yeah, then let's take a -- well, no, I'm going to  
19 take a break before.

20 MR. GIORDANI: Take a break before --

21 THE COURT: Yeah.

22 MR. GIORDANI: -- openings? Yeah.

23 MR. MARGOLIS: Yeah, yeah, yeah.

24 MR. GIORDANI: Perfect.

25 THE COURT: Yeah. Okay.

1 [Sidebar ends at 3:18 p.m.]

2 THE COURT: Okay. Okay. So before we begin our formal  
3 trial - by the way, the parties reminded me, we're actually going to do  
4 opening statements today. I apologize. I had forgotten that I had told  
5 that to them, so that's my fault. So what we're going to do is, I'm going  
6 to read you the introductory remarks. We're going to take a recess. You  
7 guys can get something to drink, or a snack. And then we'll go into  
8 opening statements, and then we'll recess for the day, okay?

9 Before we begin the trial, for those who remain as jurors, I  
10 want to let you know what you can expect. What I will now say is  
11 intended to serve as a general introduction to the trial of this case. It is  
12 not a substitute for the detailed instructions on the law, which I will give  
13 you at the close of the case and before you retire to consider your  
14 verdict.

15 First, I'd like you to be as comfortable as possible while  
16 you're here. If you have trouble hearing or seeing, at any time during  
17 the trial, please raise your hand as an indication. Also, if you need to use  
18 the restroom, if you feel ill, or if you have any other problem, again,  
19 please raise your hand as an indication. I try to do my best to constantly  
20 be scanning you guys, to see if you're in need of everything, and Officer  
21 Kennis does the exact same thing. So if you just lift your hand or, kind  
22 of, just wave it, we'll be on top of that.

23 I also encourage you to stand up and stretch between  
24 witnesses or when the attorneys are discussing something up here at the  
25 bench with me. You can also feel free to bring in water or any other

1 clear liquid, as long as it doesn't cause any disruption in the  
2 proceedings.

3           During trial, we'll generally meet sometime between the  
4 hours of 8:30 and 11:00. And we always end around 5:00. The only time  
5 we don't end around 5:00, is if there's a witness that is so close to be  
6 getting done, so that we can finish them so they don't have to, you  
7 know, come back the following day. Or especially those who --  
8 sometimes we have witnesses who fly out late that night. We usually try  
9 to accommodate them and get them done. But I never hold you much  
10 over 5:00, because I know that people have issues after 5:00 that you get  
11 -- need to get to, and I understand that.

12           Also, during the day, we generally break for lunch sometime  
13 between noon and 1:00. On the days that we start later, like the days  
14 that we start at 11:00, 11:30, we don't break for lunch, but I still give you  
15 the 15-minute recesses. But in the times that we start in the morning,  
16 10:00 or before, I always make sure that we have an hour break so that  
17 you guys are getting time to get lunch and whatever you need, okay?

18           So as you already know, this is a criminal case commenced  
19 by the State of Nevada -- which I sometimes referred to as the State --  
20 against Mr. Lepolo, the Defendant. This case is based on what's referred  
21 to -- are we on an "Information"? Yeah. On an Information.

22           And Ms. Brown, I know she's already read to you the  
23 information, but I'm going to have her read the amended Information, at  
24 this point in time. Ms. Brown?

25           THE CLERK: District Court, Clark County, Nevada. State of

1 Nevada, Plaintiff, versus Tuly Lepolo, aka Tutamua Lepolo, Defendant.  
2 Case Number C- 20-345911-1. Department Number VI, Amended  
3 Information. Steven B. Wolfson, District Attorney within and for the  
4 County of Clark, State of Nevada, in the name and by the authority of the  
5 State of Nevada, informs the Court, that Tuly Lepolo, aka Tutamua  
6 Lepolo, the Defendant above-named, having committed the crimes of  
7 murder with use of a deadly weapon, and assault with a deadly weapon,  
8 on or about the 3rd day of April, 2016, within the County of Clark, State  
9 of Nevada, contrary to the form, force, and effect of -- and effect of  
10 statutes in such cases made and provided, and against the peace and  
11 dignity of the State of Nevada.

12               Count 1, murder with use of a deadly weapon, did willfully,  
13 unlawfully, feloniously, and with malice afterthought, killed Rachel  
14 Stapinski, a human being, with use of a deadly weapon, to wit, firearm,  
15 by shooting at and into the body of the said Rachel Stapinski. The said  
16 killing having been, one, willful, deliberate, and premeditated, and/or  
17 two, pursuant to a challenge to fight, whereby Raquel Stapinski, was  
18 shot and killed in the crossfire.

19               Count 2, assault with a deadly weapon, did willfully,  
20 unlawfully, feloniously, and intentionally place another person in  
21 reasonable apprehension of immediate bodily harm, and/or did willfully  
22 and unlawfully attempt to use physical force against another person, to  
23 wit, Flora Marie Taylor, with use of a deadly weapon, to wit, a firearm, by  
24 pointing said firearm at Flora Marie Taylor. Steven B. Wolfson Clark  
25 County, Clark County District Attorney, signed by John Giordani, Chief

1 Deputy District Attorney, to which the Defendant has entered a plea of  
2 not guilty.

3 THE COURT: Thank you. Please understand that the  
4 information that was just read to by my clerk, is simply a charge, and  
5 that it is not, in any sense, evidence of the allegations it contains. The  
6 Defendant has pled not guilty to the Information. The State, therefore,  
7 has the burden of proving each of the essential elements of the  
8 Information, beyond a reasonable doubt.

9 As Mr. Lepolo sits there right now, he is not guilty. The  
10 purpose of this trial is to determine whether the State will meet that  
11 burden. It is your primary responsibility as jurors, to find and determine  
12 the facts. Under our system of criminal procedure, you are the sole  
13 judge of the facts. You are here to determine the facts, from the  
14 testimony you hear and other evidence, including exhibits introduced in  
15 court. It is up to you to determine the inferences which you feel may be  
16 properly drawn from the evidence.

17 You must base your verdict solely on the evidence presented  
18 in the courtroom, and the instructions on the law that I give you. To  
19 protect the integrity of the jury process, it is very important that you not  
20 -- do not do any independent research about this case, until the jury has  
21 reached a final decision. You may not visit any location involved in this  
22 case.

23 You must not do any research or look up words, names,  
24 maps, or anything else that may have anything to do with the case. This  
25 includes reading newspapers, watching television, or using a computer,



1 cell phone, the internet, or any other means to get information related to  
2 this case or the people and places involved in the case. This applies  
3 whether you are in the courthouse, at home, or anywhere else.

4           Additionally, until you are discharged from service as a jury,  
5 you must not provide or receive any information about your jury service,  
6 to anyone, including friends, coworkers or family members. You may tell  
7 people that you have been picked for a jury, and how long the case will  
8 take. However, you must not give any information about the case itself  
9 or the people involved in the case. You must also warn people not to try  
10 to say anything to you, or write to you, about your jury service or the  
11 case. This includes face-to-face, phone, or computer communications.

12           In this age of electronic communication, I'd like to stress that  
13 you must not use electronic devices or computers to research or talk  
14 about this case, including Googling, Tweeting, texting, blogging,  
15 emailing, Snapchatting, TikToking, posting information on a website, or  
16 any other means, at all.

17           All of us are depending on you to follow these rules so that  
18 there will be a fair and lawful resolution of this case. You may not  
19 declare to your fellow jurors, any facts relating to this case, of your own  
20 knowledge. And if you discover, during the trial, or after the jury has  
21 retired, that you or any other juror has personal knowledge of any  
22 witness or fact in controversy in the case, you must disclose that  
23 information to me, outside the presence of the other jurors.

24           The trial process will be like -- begins like this. Trial begins  
25 with opening statements. The district attorneys will make an opening

1 statement, if they so desire, which is an outline to help you understand  
2 what the State expects to prove. Next, the Defendant's attorneys may, if  
3 they so desire, make an opening statement, but they do not have to.

4 Opening statements serve as an introduction to the evidence  
5 which the party making the statement intends to prove, but they are not,  
6 in themselves, evidence. Next comes the presentation of evidence. The  
7 State will commence with its Case in Chief. This is the State's  
8 opportunity to present its evidence in the case. This consists of the  
9 calling of witnesses and the production of physical items of evidence,  
10 such as documents or photographs, and the like.

11 Counsel for the Defendant may cross-exam the State's  
12 witnesses. Following the State's Case in Chief, the Defendant may  
13 present evidence, and the District Attorney may cross-examine the  
14 Defense witnesses. However, as I have said, the Defendant is not  
15 obligated to present any evidence at all.

16 Next, comes rebuttal evidence. If the Defendant presents  
17 evidence, the State will have the opportunity to present rebuttal  
18 evidence. And the Defendant may have the opportunity to present  
19 surrebuttal evidence.

20 The evidence in this case will consist of sworn testimony of  
21 witnesses, all exhibits received in evidence, regardless of which side  
22 introduces the evidence. If the attorneys on both sides stipulate to the  
23 existence of a fact, you must, unless otherwise instructed, accept the  
24 stipulation as evidence and regard that fact as proved.

25 I may take judicial notice of certain facts or events. If I take

1 judicial notice of a fact or event, you must accept that fact as true. So a  
2 good example of me taking judicial notice, would be if someone said,  
3 Judge, please take judicial notice that May 22nd of 2019 was a Friday.  
4 So then I would go into Google, or go into a trusted source, and  
5 establish that that fact is absolutely true. And then I would inform you,  
6 please take judicial notice that so-and-so. So I'll just make sure -- if that  
7 does happen, I'll make sure and instruct you on that.

8 In every case, there are two types of evidence, direct and  
9 circumstantial. Direct evidence is testimony, by a witness, about what  
10 that person saw or heard or did. Circumstantial evidence is testimony or  
11 exhibits which are proof of a particular fact from which, if that fact is  
12 proven, you can infer the existence of the second fact. So let me give  
13 you a real world explanation of that.

14 So let's say, tonight, when you get back -- get to -- in your  
15 car, on your way back home. As you get in the car and you start to pull  
16 out of the parking garage, it starts to get dark and dreary, it's gray  
17 outside, the clouds start to form, you hear thunder, you see lightning,  
18 and then you see rainfall on your windshield. That's direct evidence that  
19 it rain. You saw it with your own right -- your own eyes.

20 Circumstantial evidence is similar, but different in this way --  
21 so all of those things happen. You get into your car, it gets dark and  
22 dreary, the clouds form, it's grey, you hear thunder, you see lightning.  
23 You drive all the way home and you pull into your garage, and you're  
24 exhausted, so you go to sleep. You wake up in the morning and there's  
25 rain going down the driveway -- or not rain -- I apologize -- it's wet on the

1 driveway, there's water on the grass, there's water running down the  
2 gutters and the street. You didn't see that it rained, right? But you  
3 pulled together all those circumstances, all of those facts, and then you  
4 come to the conclusion -- obviously, it rained.

5           The law in Nevada says that you may consider both direct  
6 and circumstantial evidence in deciding this case. The law permits you  
7 to give equal weight to both types of evidence, but it is up to you to  
8 decide how much weight to give a particular piece of evidence.

9           The parties may sometimes make objections to some of the  
10 testimony or other evidence. It is the duty of a lawyer to object to  
11 evidence which he or she believes may not -- may not properly be  
12 offered, and you should not be prejudiced in any way against the lawyer  
13 who makes objections on behalf of the party that he or she represents.  
14 At times I may sustain objections or direct that you disregard certain  
15 testimony or exhibits. You must not consider any evidence to which an  
16 objection has been sustained or which I have instructed you to disregard.

17           You also must not consider anything which you may have  
18 seen or heard when the court is not in session, even if what you see or  
19 hear is said or done by one of the parties or by one of the witnesses. In  
20 considering the weight and value of the testimony of any witness, you  
21 may take into consideration the appearance, attitude, and behavior of the  
22 witness, the interest of the witness in the outcome of the case, if any, the  
23 relation of the witness to the Defendant or the State, the inclination of  
24 the witness to speak truthfully or not, and the probability or  
25 improbability of the witness' statements and all of the facts and

1 circumstances in evidence. Thus, you may give the testimony of any  
2 witness just such weight and value as you believe the testimony of the  
3 witness is entitled to receive.

4           At the conclusion of the evidence. I will instruct you on the  
5 law. You must not be concerned with the wisdom of any rule of law  
6 stated in these instructions, or in the instructions that I will read to you  
7 after the evidence is in. Regardless of any opinion you may have as to  
8 what the law ought to be, it would be a violation of your oath, to base a  
9 verdict upon any other view of the law than that given to you by the  
10 Court.

11           Until the case is submitted to you, you must not discuss it  
12 with anyone, even with your fellow jurors. After it is submitted to you,  
13 you must discuss it only in the jury room with your fellow jurors. So  
14 what jurors general -- sometimes get confused on is, they recognize that  
15 they can't go home and they can't talk to their family or coworkers or  
16 friends about what goes on. You also can't speak about it to one  
17 another. So if something happens interesting in court, you guys go out  
18 on a recess. You cannot talk about it. You can't talk about what any  
19 witness said, what one of the attorneys did, anything you learned. The  
20 only time it can ever be discussed, is after the case is finally done and  
21 you're in the deliberation room with one another. That's the only time  
22 discussion -- the only time and place discussion can ever be had, in  
23 regards to deliberations.

24           Again, if you discover, during the course of the trial, that you  
25 have personal knowledge of the facts of the case, or that you know one

1 of the witnesses, please give a note to the marshal, who will present it to  
2 me.

3 After the instructions have been read to you, each side will  
4 have the opportunity to present closing arguments. What is said in  
5 closing arguments is not evidence, just like opening statements are not  
6 evidence. The arguments are designed to summarize and interpret the  
7 evidence, while discussing with you how to apply the law to the facts in  
8 the case.

9 Since the state has the burden of proving the Defendant  
10 guilty, beyond a reasonable doubt, the State has the right to open and  
11 close the arguments. This means the State will make a closing  
12 argument, followed by closing argument from the Defense, and then the  
13 State may make a rebuttal closing argument. After the arguments have  
14 been completed, you will retire to deliberate on your verdict.

15 During the trial, it may be necessary for me to confer with the  
16 lawyers, at the bench, about questions of law or procedure that I need to  
17 make a decision on. Sometimes you may be excused from the  
18 courtroom for the same reason. I try to limit these interruptions as much  
19 as possible, but please understand, if we take a break, it is necessary,  
20 and that we appreciate your patience.

21 As I was telling you guys yesterday, I was a juror before. And  
22 I would get so frustrated with the judge when she would say, be back at  
23 10:20, and then it'd be 10:25, and then it'd be 10:30, and then it'd be 10:35.  
24 And I would get so bad, because I'm kind of an anxious, OCD-type  
25 person, right?

1 Well, now that I am on the other side of things, when we are  
2 running behind, it's not that -- we rarely, rarely get a recess on our own,  
3 to be honest with you. Normally, when I say, Give us 15 minutes, we are  
4 in here working on legal issues so that when the witnesses come in,  
5 everything goes more seamless for you.

6 So please know, if we're in here and it's delayed, it's not  
7 because we're, you know, messing around, or that we're not doing what  
8 we're supposed to be doing. We're often talking and working through  
9 things that have to do with the case. So please be patient, and know that  
10 I know if we're running late, because I'm watching that clock like the back  
11 of my hand -- so I'm keeping track of it.

12 You will be given a badge to wear during your jury service.  
13 Please wear that badge at all times while you're in the courthouse or on  
14 a break. This badge lets everyone know that you are a juror in the case.  
15 It's important, because during the course of the trial, the attorneys for  
16 both sides, and court personnel, other than the marshal, are not  
17 permitted to talk to members of the jury.

18 And by this, I mean, not only can they not talk about the  
19 case, but they cannot talk to you at all. Not even to ask the time of day.  
20 The badge helps them to identify you as a juror.

21 If someone will not talk to you, please understand that they  
22 are not being rude. To ensure that there's absolute impartiality of the  
23 jury, the people involved in this case are bound by ethics and law, to  
24 avoid contact with jurors, until the case is decided.

25 In a moment, when we go into opening arguments when you

1 come back from recess, you'll find paper -- a notepad and pens. These  
2 are for your use, and you are free to take notes during the trial, if you  
3 wish. But please keep the notes to yourself until you and your fellow  
4 jurors go to the jury room to decide and deliberate the case.

5 Do not let note-taking distract you. You also should rely on  
6 your own memory of what was said, and not be overly influenced by the  
7 notes of other jurors. If jurors have conflicting notes, you should not rely  
8 on the notes, because the court recorder's record contains the complete  
9 and authentic record of the trial.

10 I will probably type a lot of notes during the trial. Please do  
11 not take this into consideration. If I begin to type during a witness'  
12 testimony, you are not to consider that testimony more important than  
13 any other testimony. In fact, you are not to consider anything I say or  
14 do, or anything during this trial, that suggests that I am inclined to favor  
15 the claims or position of any party. I am required to remain neutral.

16 It would be wrong for you to conclude that anything I say or  
17 do, means I am for one side or another, in the trial. Discussing and  
18 deciding the facts is your job, alone.

19 Jurors in my department are allowed to ask questions.  
20 However, a specific process must be followed. So how it will work is, the  
21 attorneys will ask all the questions of their witnesses. And after they're  
22 done, I'll ask, Do any -- Does anyone from the jury have a question for  
23 this witness? If you do, just raise your hand. They have to be written.  
24 And so it's only -- it can only be one question per page, and it has to be  
25 signed by you and have your seat number.



1                   So that back row, closest to the wall, you guys are 1, 2, 3, 4,  
2 5, 6. My second row is 7, 8, 9, 10, 11, 12. And my third row is 13 and 14.  
3 So one question per page, signed, and your new juror seat number. If  
4 you have multiple questions, totally fine -- just one per page. And the  
5 reason why is, I have to do an analysis on each piece of the paper. And  
6 then that goes in as a court exhibit.

7                   So that's why it can only be one question per page. If your  
8 question doesn't get asked, it's not because anyone is trying to hide the  
9 answer from you. It's because there's an evidentiary rule that prevents  
10 me from asking it. Obviously, you guys aren't lawyers. I don't expect  
11 you to know which questions are admissible and which aren't. So if you  
12 have a question, just ask it.

13                  But just know, if I don't answer it, it's not because anyone's  
14 hiding it from you. It's just because there's an actual rule that prevents  
15 me from asking, okay? All right.

16                  Finally, in fairness to the parties, you should keep an open  
17 mind throughout this trial, reaching your conclusions only during your  
18 final deliberations after all the evidence is in and you have heard the  
19 attorney's closing arguments and my instructions to you on the law.  
20 Now that I have conduct -- concluded with the preliminary instructions,  
21 will you please rise and raise your right hand so that my clerk can  
22 administer the jurors oath to you.

23                         [Jury, sworn]

24                   THE CLERK: Please be seated.

25                   THE COURT: All right. So I am going to give you -- let's take

1 a ten-minute recess. You guys can stretch your legs, get a drink. And  
2 then we'll come back and we will roll into opening statements. Please  
3 remember, during this recess, to not discuss or communicate with  
4 anyone, including fellow jurors, in any way, regarding the case or its  
5 merits, either by voice, phone, email, text, internet, or other means of  
6 communication or social media.

7 Please do not read, watch, or listen to any news, media  
8 accounts, or commentary about the case. Don't do any research, such as  
9 consulting dictionaries, using the internet, or using reference materials.

10 Please do not make any investigation, test a theory of the  
11 case, recreate any aspect of the case, or in any other way attempt to  
12 learn or investigate the case on your own. And please do not form or  
13 express any opinion regarding the case, until it's formally submitted to  
14 you.

15 I know that you feel like you hear that a lot, but you haven't  
16 even started. So that has -- we have -- I have to say that verbatim every  
17 single time you leave this room, so that's why I have memorized,  
18 because I've done it a thousand times. So I know that you may feel like  
19 it's repetitive, but the law says I have to do it, all right?

20 So I'll see you guys in ten minutes, 3:45, please.

21 THE MARSHAL: All rise.

22 [Jury out at 3:36 p.m.]

23 [Recess at 3:36 p.m., recommencing at 3:48 p.m.]

24 [Jury in at 3:48 p.m.]

25 THE COURT: All right. Welcome back, everyone. Thank you.

1 We are on the record in State of Nevada versus Tuly Lepolo, C-345911.  
2 Everyone, please be seated. Mr. Lepolo is present, with Counsel, Mr.  
3 Margolis, as well as -- or excuse me, paralegal Mendoza. Mr. Giordani,  
4 as well as Ms. Conlin, are present on behalf of the State. Do the parties  
5 stipulate to the presence of the jury?

6 MR. GIORDANI: Yes, Your Honor.

7 MR. MARGOLIS: Yes, Your Honor.

8 THE COURT: All right. At this point in time, the jury has  
9 been instructed. They have been sworn. State, are you prepared to give  
10 your opening statement?

11 MS. CONLIN: Yes, Your Honor.

12 THE COURT: All right. Ms. Conlin.

13 MS. CONLIN: Thank you.

14 This is Raquel Stapinski. This is her before April 2016. And  
15 throughout the course of this trial, you will learn how the man who took  
16 her life, on April 3rd, 2016, is Tuly Lepolo.

17 On that day, at 6501 West Charleston Boulevard, an  
18 apartment complex here in Las Vegas. We'll be focusing in on this corner  
19 of the apartment complex. And I've marked 25 and 26 as the building  
20 numbers. You will learn, in this trial, that on April 3rd, 2016, there were  
21 two families having separate barbecues.

22 And these two families, some individuals from each family  
23 are familiar with one another. And at some point, there's a gathering out  
24 in the street -- in the parking lot area. And there's what begins as an  
25 agreement to fight, amongst individuals from both families. And it starts

1 out as a fist fight, hand to hand.

2 At some point, you will learn that a single shot in the air,  
3 goes off, and the individuals that are gathered in the street disperse and  
4 return to their respective areas. However, you will also hear that Mr.  
5 Lepolo goes to a white Chevrolet Suburban, where that yellow square  
6 appeared in that carport. He goes into the car, retrieves a gun, closes the  
7 door, and heads in the direction towards Apartment 231, located in  
8 Building 26.

9 As he's running by, you will hear that a witness hears a  
10 statement of, What's up now, bitch-ass N word, as he's running in that  
11 direction. You will also hear, from Flora Taylor, who will indicate that  
12 Mr. Lepolo ran up to her, pointed a gun in her face, and then Mr. Lepolo  
13 begins firing.

14 And he begins firing in the direction of Apartment 231. You  
15 will also hear that an individual, by the name of Henry Taylor, returns  
16 fire. Mr. Lepolo is then seen headed in the direction behind Building 25,  
17 in the direction towards Torrey Pines, and he's not seen again.

18 Officers respond to a shooting call and, ultimately, they  
19 discover Ms. Stapinski on the sidewalk, deceased, and she has a gunshot  
20 wound to her arm. And you will hear, from a coroner, who determined  
21 that the cause of death is a gunshot wound to the arm axilia [phonetic],  
22 and the manner of death is homicide.

23 So officers respond. They discover Ms. Stapinski. Homicide  
24 detectives respond. But, ultimately, you will hear that individuals that  
25 are found on scene, are not, initially, cooperative with police. However,

1 as I said, crime scene analysts respond to the scene. Homicide  
2 detectives are assigned to the case. And over the course of the next  
3 couple of years, various investigative tools are used. And you will hear,  
4 throughout the course of this trial, regarding trajectory analysis,  
5 firearms-related analysis, DNA, and fingerprints.

6           You will hear about the white Chevrolet Suburban that, you  
7 will hear, Mr. Lepolo went into. You will hear that the -- initially, the  
8 crime scene analysts respond. They do initial fingerprint processing at  
9 the scene, and then there's later processing, later, at the crime scene  
10 garage, where they do additional fingerprint processing as well as  
11 recovery of items from inside the vehicle, and do DNA analysis.

12           And you will hear that, among others, Tuly Lepolo's  
13 fingerprints are in and around the vehicle. And Mr. Tuly Lepolo's DNA is  
14 included on some of the items that are found inside the vehicle.

15           As I mentioned, crime scene analysts respond to the scene  
16 that night. And they discover a blood trail in this general direction of the  
17 yellow line that I have included on this photo. And that yellow line is not  
18 to suggest that there's one solid line of blood, but just to visually  
19 demonstrate the path. And as they respond, they will swab those blood  
20 drops. And, ultimately, you will hear, from an analyst that reviews the  
21 DNA, Mr. Tuly Lepolo's DNA is included in this blood trail.

22           You will also hear about trajectory analysis that the crime  
23 scene analysts did the night that they responded. This is one example,  
24 and I've drawn that yellow rectangle to describe -- or to point out those  
25 yellow rods that are sticking out of the wall. You will hear, from the

1 crime scene analyst, about trajectory analysis and what that entails.

2           They will also -- the crime scene analyst will describe the  
3 diagram that they've created from this analysis. And just to describe  
4 where we're at in the apartment complex, on the left-hand side, you have  
5 the map where this -- the building and the diagram match up.

6           And we'll learn about the multiple trajectories that go into  
7 Apartment 233, in Building 26. And you will also learn about trajectories  
8 that are across from that alcove in Building 25. Some bullets were  
9 recovered from the trajectories, going into Building 26. And you will  
10 hear that those bullets come back as .40 caliber.

11           You will also hear about another set of cartridge cases that  
12 are collected. There are two sets. One set is found in the alcove, and  
13 then one set is found outside the alcove. In regards to further firearms  
14 analysis, you will hear that the bullet that is recovered from Ms.  
15 Stapinski, is a .40 caliber bullet.

16           And over the course of this trial, you will -- from the  
17 witnesses and the evidence, you will learn that the person that shot that  
18 .40 caliber bullet ending Ms. Stapinski's life, was Mr. Tuly Lepolo.

19           At the end of this, Mr. Giordano and I will stand up again in  
20 front of you and ask you to find Mr. Tuly Lepolo guilty of both counts.  
21 Thank you.

22           THE COURT: Thank you, State. Mr. Margolis, whenever  
23 you're ready, sir.

24           MR. MARGOLIS: Thank you. Hello, again. Almost done.  
25 Mr. Margolis. I represent Mr. Lepolo. We are here, because on April 3rd,

1 2016, Raquel Stapinski, tragically lost her life. Sad. No one should lose  
2 their life in the way that Ms. Stapinski did. And we're very sorry that it  
3 happened.

4 That being said, the State of Nevada is here, because they  
5 want to hold Mr. Lepolo responsible, and Mr. Lepolo is not guilty of this  
6 crime. You should find him not guilty of this crime.

7 The evidence is going to show that this case involved a  
8 family feud that, basically, exploded into gun violence. And I use "family  
9 feud" specifically and purposefully. Because while there were two  
10 families that were feuding, there was also considerable overlap between  
11 those two families. You know, overlap that really makes a messy  
12 situation, you know?

13 And some of the questioning that I did with you folks, during  
14 our process, was related to that. The State alleges that there was a  
15 challenge to fight. But I would submit that the evidence is going to  
16 demonstrate, very clearly, that Mr. Lepolo did not challenge anyone to  
17 fight, nor did he accept the challenge to fight.

18 And to the extent the evidence shows that anyone in the  
19 Lepolo family did what the State alleges, i.e., challenge someone to a  
20 fight or accepted a challenge to a fight, I would submit that the  
21 circumstances of that challenge really left no choice. Sometimes, retreat  
22 is not an available option. Sometimes, your hand is forced, okay?

23 I would argue that to the extent anyone in the Lepolo family  
24 challenged any --

25 MR. GIORDANI: Objection. I'm sorry to interrupt.

1 MR. MARGOLIS: Yeah.

2 THE COURT: Sure.

3 MR. GIORDANI: Argument.

4 THE COURT: I do think it's delving into argument.

5 MR. MARGOLIS: Okay.

6 THE COURT: It is sustained.

7 MR. MARGOLIS: The evidence is going to show that there  
8 was a fight. And the evidence is going to show that that fight went from  
9 a simple physical fist fight, into gun violence. The evidence is going to  
10 show that that gun was not introduced by Mr. Lepolo.

11 In any criminal case, and certainly in a first degree murder  
12 case, the Prosecution bears the burden. And it is a heavy burden. And it  
13 is a high, tall order that they must reach, okay? The State is required to  
14 prove every element of every charge levied against Mr. Lepolo, beyond a  
15 reasonable doubt.

16 And it is forced to rely upon the witnesses that it has, in  
17 order to accomplish that objective. To the extent there exists any  
18 reasonable doubt, after the conclusion of the presentation of evidence,  
19 Mr. Lepolo is entitled to a verdict of not guilty.

20 All Mr. Lepolo and I ask, is that each and every one of you in  
21 this jury give your own discerning individual judgment to the facts that  
22 are entered in evidence and to the testimony provided by the witnesses.  
23 You are the finders of fact. You are the ones who determine the degree  
24 to which any particular witness is telling the truth about what they're  
25 testifying to you.



1                   And I would submit, in a case in which there's a lot of family  
2 overlap, there might be reasons why one witness or another may bend  
3 the truth. Your job to determine who's telling the truth, how much of the  
4 truth they're telling.

5                   I know it's a dead horse, and I know I've beaten it a few  
6 times, but I'm going to beat it again. Judge Bluth has beaten it. Even  
7 the Prosecution has beaten it. We don't have to do a single thing. I  
8 could've waived this opening statement and not said a single word. Mr.  
9 Lepolo is not charged with the hurdle of proving his innocence. I could  
10 let the evidence go and not cross-examine a single witness. I'm not  
11 going to do that, but it's very important that I know that you understand  
12 that we have no burden here. It's entirely upon the State. Okay? And  
13 that burden comes complete with the facts surrounding the incident and  
14 the people involved in the incident.

15                  I'm going to ask that as witnesses testify, that you pay  
16 special attention to the fight that proceeded the gun battle. I'm going to  
17 ask that you pay special attention to the behaviors and statements of the  
18 individuals, not just in my client, Mr. Lepolo's family, but also in the  
19 other family that was involved in this skirmish.

20                  Much of the Lepolo family does not even reside in Las Vegas.  
21 They were on their way out of town on April 3rd, 2016. Slight difference  
22 in the factual predicate. The Lepolo clan was celebrating their party as it  
23 were. To be fair and truthful, the day prior. That being said, many  
24 members of the Lepolo had come back to the Lantana Apartment  
25 Complex on their way back to Southern California to say goodbye to the

1 Nevada residence of the Lepolo family.

2 If anyone in the Lepolo family had a time machine, I'm sure  
3 they would go back to April 3rd, 2016, and call grandma on the phone.  
4 But unfortunately, there is no going back.

5 The evidence will show that Ms. Stapinski was at a birthday  
6 party for a very close friend of hers by the name of Dana Forman. The  
7 evidence will show that during the course of that birthday party, drinks  
8 were had, BBQ was eaten, and to a certain extent, old grudges were  
9 renewed. While there was a predicate fist fight that day, there had also  
10 been a series of incidents previous to that involving these two families.

11 A large part of the two families were known to one another.  
12 Mr. Lepolo, for his part, not being a Las Vegas resident, probably a little  
13 informed of the facts on the ground as some other folks that were there.  
14 Turns out, a couple months prior to the April 3rd, 2016, that results in the  
15 tragic loss of life, evidence will show there's another fight, allegedly.

16 Evidence will show that Ms. Forman told numerous  
17 members of her family and probably anybody within ear shot that would  
18 listen, that Mr. Lepolo's son had been involved in jumping her and  
19 attacking her, had kicked her in the head. As a result of this attack, the  
20 evidence is going to show that there were members of the other family  
21 involved in this skirmish that felt dutybound to avenge the jumping of  
22 Ms. Forman.

23 Thus, leads to the staged fire. Much of my discussion during  
24 jury selection was revolving around the nature of a physical fight and the  
25 escalation of a physical fight and who bears responsibility when the