

IN THE SUPREME COURT OF THE STATE OF NEVADA

CEASAR SANCHAZ VALENCIA,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

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Clerk of Supreme Court

Case No: C-16-315580-1

Docket No: 85694

RECORD ON APPEAL VOLUME 3

ATTORNEY FOR APPELLANT
CEASAR VALENCIA # 94307,
PROPER PERSON
P.O. BOX 208
INDIAN SPRINGS, NV 89070

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

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1 know -- or would you think to yourself, well, you know, there's that
2 attorney who may have been up to no good, and cause you to be bias in
3 some fashion?

4 PROSPECTIVE JUROR NO. 1004: No. No, I don't think so.

5 MR. COYER: Okay. Court's indulgence.

6 Your Honor, no further questions for Mr. Locke here.

7 THE COURT: Sir, thank you for staying for a few minutes.
8 We're going to be in our lunch recess. If you could return by 12:30, I'd
9 appreciate it.

10 PROSPECTIVE JUROR NO. 1004: Yes, sir.

11 THE COURT: Thank you.

12 At this point, we'll be in recess until 12:30 -- I'm sorry. Sir, I
13 meant 1:30. I apologize.

14 PROSPECTIVE JUROR NO. 1004: Right. Right.

15 [Prospective Juror No. 1004 exited courtroom.]

16 THE COURT: Counsel, did you want to address the undue
17 hardship or take a few minutes to think about it and --

18 MR. DICKERSON: We have no objection on Badge No. 2007,
19 if you want to kick him.

20 THE COURT: Okay. Defense?

21 MR. COYER: That was Mr. Alvarez. We also have no
22 objection.

23 THE COURT: Okay. So when he comes back, I'll just excuse
24 him. At this point, again, I'm not going to address the challenges for
25 cause. What I'll do is seat 24, go through some individual questioning,

1 let you do some voir dire. And then at the conclusion, we'll start the
2 challenges for cause and go from there.

3 MR. DICKERSON: Thank you, Your Honor.

4 THE COURT: Thank you, counsel.

5 MR. COYER: Thank you.

6 MS. PLUNKETT: Thank you, Judge.

7 [Court recessed at 12:42 p.m. until 1:38 p.m.]

8 [Outside the presence of the prospective jury panel.]

9 THE COURT: Please be seated. This is the continuation of
10 Case No. C-16-315580, *State of Nevada vs. Valencia*. Let the record
11 reflect that the counsel for State and defense are present, as well as the
12 defendant.

13 [Prospective jury panel reconvened at 1:39 p.m.]

14 THE COURT: At this time, I would like to thank and excuse
15 Badge No. 2007.

16 Ladies and gentlemen, we will now proceed with the next
17 phase of jury selection.

18 Clerk, please call 24 people to the jury box, beginning with the
19 lowest badge number and proceeding sequentially.

20 THE CLERK: Wayne Uhler, Badge No. 0961; Anna Dunegan,
21 Badge No. 0970; Kimberly Wasden, Badge No. 0976; Christopher
22 Sanders, Badge No. 0977; Esther Ramos, Badge No. 0980; Jennifer
23 Figuera, Badge No. 0990; Xavier Antheaume, Badge No. 0993; Glenn
24 Locke, Badge No. 1004; Thomas McAuley, Badge No. 1007; Marissa
25 Buncio, Badge No. 1011; Khanh Khuu, Badge No. 1018; Deatrice Higgs,

1 Badge No. 1034; Leonard Bucsit, Badge No 1043; Sonya Johnson,
2 Badge No. 1045; Sharon Iaconi, Badge No. 1048; Leticia Morales,
3 Badge No. 1053; Shawna Perez, Badge No. 1058; Carlos Lopez,
4 Badge No. 1063; Rex Sanders, Badge No. 1082; Myrna Ocampo,
5 Badge No. 1083; Jamie Lunt, Badge No. 1086; Susan Penrod,
6 Badge No. 1089; John Baborian, Badge No. 1090; Edwin Blazer,
7 Badge No. 1091.

8 [Pause in proceedings.]

9 MR. DICKERSON: Thank you, sir.

10 THE COURT: We will now focus questions on the group of 24
11 persons comprising the prospective panel of jurors seated in -- in and in
12 front of the jury box. I'm going to ask questions to each of you in order
13 for the attorney -- I'm going to ask questions of each of you in order.
14 Before the attorneys ask you their questions, remember, you are all still
15 under oath and required by law to answer questions truthfully.

16 Mr. Uhler.

17 PROSPECTIVE JUROR NO. 961: Yes.

18 THE COURT: And your badge number is 0961?

19 PROSPECTIVE JUROR NO. 961: Yes, sir.

20 THE COURT: Okay. How long have you lived in Clark
21 County, Nevada?

22 PROSPECTIVE JUROR NO. 961: Since July 2015.

23 THE COURT: Okay. And, sir, how far did you go in school?

24 PROSPECTIVE JUROR NO. 961: I have -- I have two
25 two-year degrees.

1 THE COURT: I'm sorry, sir, I didn't hear you.

2 PROSPECTIVE JUROR NO. 961: I have a two-year degree

3 in accounting and a two-year degree in programming.

4 THE COURT: And what is your occupation?

5 PROSPECTIVE JUROR NO. 961: I'm a security officer.

6 THE COURT: All right. And what is your marital status?

7 PROSPECTIVE JUROR NO. 961: Single.

8 THE COURT: Do you have any children, sir?

9 PROSPECTIVE JUROR NO. 961: No.

10 THE COURT: Okay. Have you ever served on a jury or have

11 you ever served as a juror before?

12 PROSPECTIVE JUROR NO. 961: I've been summoned for

13 jury duty, but I -- I was never on a jury.

14 THE COURT: Okay. Have you ever testified as a witness in a

15 criminal trial?

16 PROSPECTIVE JUROR NO. 961: No.

17 THE COURT: Have you or a close family member ever been

18 convicted of a crime?

19 PROSPECTIVE JUROR NO. 961: No.

20 THE COURT: Have you or close family member ever been

21 the victim of a crime?

22 PROSPECTIVE JUROR NO. 961: No. I'm going to -- I'm

23 going to guess no, but --

24 THE COURT: What do you mean you're going to guess no?

25 Do you think somebody, a close family member or yourself, may have

1 been the victim of a crime?

2 PROSPECTIVE JUROR NO. 961: Well, something like a car
3 being broken into or, you know, a petty crime. It might -- might have
4 been something that, years ago, that I've forgotten.

5 THE COURT: Okay. When you say a car was broken into,
6 was that a family member?

7 PROSPECTIVE JUROR NO. 961: One of my nephews, I
8 think his car was broken into and they tried to steal some stuff.

9 THE COURT: And was that here in Clark County, Nevada?

10 PROSPECTIVE JUROR NO. 961: No. That -- that was in
11 Wisconsin. This was in the '80s. This was --

12 THE COURT: Okay. And do you believe that experience
13 would make it difficult for you to be fair and impartial to both sides in this
14 case?

15 PROSPECTIVE JUROR NO. 961: No. No, I don't think it
16 would.

17 THE COURT: Okay. Besides anything you've already told us,
18 do you have any close relatives or friends who have been engaged in
19 law enforcement, such as police officers or any type of law
20 enforcement?

21 PROSPECTIVE JUROR NO. 961: No.

22 THE COURT: Okay. It is anticipated that certain law
23 enforcement officers will testify in this case. Will you give more
24 credibility to their testimony by the mere fact that they are law
25 enforcement officers?

1 PROSPECTIVE JUROR NO. 961: I think I would.

2 THE COURT: Okay. And do you agree that if you are chosen
3 to serve as a juror in this case, that you will honor your duty to be
4 completely fair and impartial and to listen carefully to all of the evidence?

5 PROSPECTIVE JUROR NO. 961: Yes.

6 THE COURT: Okay. Could you hand the microphone.
7 And you are -- you are Badge No. 0970?

8 PROSPECTIVE JUROR NO. 970: That's correct.

9 THE COURT: And how -- could you say your name, please?

10 PROSPECTIVE JUROR NO. 970: Anna Dunegan.

11 THE COURT: Okay. And, ma'am, how long have you lived in
12 Clark County, Nevada?

13 PROSPECTIVE JUROR NO. 970: 15 years.

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

15 PROSPECTIVE JUROR NO. 970: I have a bachelor's in
16 architecture.

17 THE COURT: Okay. And, ma'am, what is your occupation?

18 PROSPECTIVE JUROR NO. 970: I'm a -- right now, a web
19 designer.

20 THE COURT: All right. And what is your marital status?

21 PROSPECTIVE JUROR NO. 970: Married.

22 THE COURT: And what does your husband do for a living?

23 PROSPECTIVE JUROR NO. 970: He works for UNLV in
24 communications.

25 THE COURT: And do you have any children, ma'am?

1 PROSPECTIVE JUROR NO. 970: Yes, one.
2 THE COURT: And how old is your child?
3 PROSPECTIVE JUROR NO. 970: Six.
4 THE COURT: Okay. Have you ever served as a juror before?
5 PROSPECTIVE JUROR NO. 970: No.
6 THE COURT: Have you ever testified as a witness in a
7 criminal trial?
8 PROSPECTIVE JUROR NO. 970: No.
9 THE COURT: Have you ever testified as a witness in any
10 criminal matter?
11 PROSPECTIVE JUROR NO. 970: No.
12 THE COURT: Okay. Have you or a close family member
13 ever been convicted of a crime?
14 PROSPECTIVE JUROR NO. 970: No.
15 THE COURT: Have you or close family member ever been
16 the victim of a crime?
17 PROSPECTIVE JUROR NO. 970: Theft. I've been --
18 THE COURT: Who was the victim?
19 PROSPECTIVE JUROR NO. 970: I was. My car was broken
20 into.
21 THE COURT: And when did that occur?
22 PROSPECTIVE JUROR NO. 970: About -- over 12 years
23 ago.
24 THE COURT: Okay. And did that happen in Clark County,
25 Nevada?

1 PROSPECTIVE JUROR NO. 970: Yes, it did.

2 THE COURT: Okay. Do you believe that experience would
3 make it difficult for you to be fair and impartial to both sides in this case?

4 PROSPECTIVE JUROR NO. 970: No.

5 THE COURT: All right. Besides anything you may have
6 already told us, do you have any close relatives or friends who have
7 been engaged in law enforcement?

8 PROSPECTIVE JUROR NO. 970: No, not that I know of.

9 THE COURT: Okay. It is anticipated that certain law
10 enforcement officers will testify in this case; will you give more credibility
11 to their testimony by the mere fact that they are law enforcement
12 officers?

13 PROSPECTIVE JUROR NO. 970: Yes.

14 THE COURT: So the mere fact that they're a law enforcement
15 officer, you're going to give them more credibility than any other witness
16 that may testify in this case?

17 PROSPECTIVE JUROR NO. 970: Oh, I'm see. I'm not
18 certain.

19 THE COURT: Okay. Do you agree if you are chosen to serve
20 as a juror in this case, that you will honor your duty to be completely fair
21 and impartial and to listen carefully to all the evidence in the case?

22 PROSPECTIVE JUROR NO. 970: Yes.

23 THE COURT: Okay. If you can pass the microphone.

24 And you -- you are Badge No. 0976?

25 PROSPECTIVE JUROR NO. 976: Yes.

1 THE COURT: Kimberly Wasden?
2 PROSPECTIVE JUROR NO. 976: Yes.
3 THE COURT: Did I pronounce that correctly?
4 PROSPECTIVE JUROR NO. 976: Yes.
5 THE COURT: Oh, I got lucky. How long have you lived in
6 Clark County, Nevada?
7 PROSPECTIVE JUROR NO. 976: 40 years.
8 THE COURT: And how far did you go in school?
9 PROSPECTIVE JUROR NO. 976: I finished two years of
10 college.
11 THE COURT: And what is your occupation?
12 PROSPECTIVE JUROR NO. 976: The financial industry, in
13 banking.
14 THE COURT: Okay. And do you have an employer?
15 PROSPECTIVE JUROR NO. 976: First Security Bank of
16 Nevada.
17 THE COURT: Okay. And what is your marital status?
18 PROSPECTIVE JUROR NO. 976: Married.
19 THE COURT: And what does your spouse do?
20 PROSPECTIVE JUROR NO. 976: Construction.
21 THE COURT: And is he currently employed?
22 PROSPECTIVE JUROR NO. 976: Yes.
23 THE COURT: And do you know the name of his employer?
24 PROSPECTIVE JUROR NO. 976: He's self-employed.
25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 976: He is a pool contractor and
2 a landscape contractor.

3 THE COURT: Okay. And do you have any children, ma'am?

4 PROSPECTIVE JUROR NO. 976: Yes. I have three.

5 THE COURT: And how old are they?

6 PROSPECTIVE JUROR NO. 976: 22, 20, and 14.

7 THE COURT: And as to the oldest -- the adult child, is it a
8 male or female?

9 PROSPECTIVE JUROR NO. 976: The two older ones are
10 males and my younger one is a girl.

11 THE COURT: Okay. And as to the -- the older child, does
12 he -- is he employed?

13 PROSPECTIVE JUROR NO. 976: Yes. He works for his
14 father.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 976: Yes.

17 THE COURT: And the younger children, I assume, are in
18 school?

19 PROSPECTIVE JUROR NO. 976: Yes. One in college and
20 one in junior high.

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

22 PROSPECTIVE JUROR NO. 976: Yes.

23 THE COURT: And was it a civil or criminal case?

24 PROSPECTIVE JUROR NO. 976: I don't remember.

25 THE COURT: Were they suing -- were they fighting over

1 money or was there criminal --

2 PROSPECTIVE JUROR NO. 976: It would be criminal.

3 THE COURT: It would be --

4 PROSPECTIVE JUROR NO. 976: Criminal --

5 THE COURT: -- criminal?

6 PROSPECTIVE JUROR NO. 976: Yes.

7 THE COURT: And where was that?

8 PROSPECTIVE JUROR NO. 976: In Nevada.

9 THE COURT: Clark County, Nevada?

10 PROSPECTIVE JUROR NO. 976: Yes.

11 THE COURT: Without telling me the verdict, did the jury
12 reach a verdict?

13 PROSPECTIVE JUROR NO. 976: Yes.

14 THE COURT: Okay. Were you the foreperson?

15 PROSPECTIVE JUROR NO. 976: No.

16 THE COURT: Is there anybody -- anything about that
17 experience that would affect your ability to be fair and impartial in this
18 case?

19 PROSPECTIVE JUROR NO. 976: No.

20 THE COURT: Have you ever testified as a witness in a
21 criminal case?

22 PROSPECTIVE JUROR NO. 976: No.

23 THE COURT: Have you or a close family member ever been
24 convicted of a crime?

25 PROSPECTIVE JUROR NO. 976: No.

1 THE COURT: Have you or a family -- or close family member
2 ever been the victim of a crime?

3 PROSPECTIVE JUROR NO. 976: We've had our cars broken
4 into.

5 THE COURT: And when you say we, does that mean --

6 PROSPECTIVE JUROR NO. 976: Our family, you know, in
7 our driveway.

8 THE COURT: Okay. And that includes yourself?

9 PROSPECTIVE JUROR NO. 0976: Yes. Myself and my son.

10 THE COURT: Okay. And do you believe that experience will
11 make it difficult for you to be fair and impartial to both sides in this case?

12 PROSPECTIVE JUROR NO. 976: No.

13 THE COURT: Okay. And when the cars were broken into,
14 was it investigated by law enforcement?

15 PROSPECTIVE JUROR NO. 976: No.

16 THE COURT: Okay. Did you report it?

17 PROSPECTIVE JUROR NO. 976: No.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 976: Because it was a
20 neighborhood thing, so we didn't.

21 THE COURT: All right. Besides anything you may have
22 already told us, do you have any close relatives or friends who have
23 ever been engaged in law enforcement?

24 PROSPECTIVE JUROR NO. 976: No.

25 THE COURT: Okay. It is anticipated that certain law

1 enforcement officers will testify in this case; will you give more credibility
2 to their testimony by the mere fact that they are law enforcement
3 officers?

4 PROSPECTIVE JUROR NO. 976: No.

5 THE COURT: Okay. Do you agree that if you are chosen to
6 serve as a juror in this case, that you will honor your duty to be
7 completely fair and impartial and to listen carefully to all of the evidence
8 in this case?

9 PROSPECTIVE JUROR NO. 976: Yes.

10 THE COURT: Okay. Could you pass it to the gentleman next
11 to you.

12 You're Badge No. 0977?

13 PROSPECTIVE JUROR NO. 977: Correct.

14 THE COURT: And it's Christopher Sanders?

15 PROSPECTIVE JUROR NO. 977: Correct.

16 THE COURT: Oh. Mr. Sanders, how long have you lived in
17 Clark County, Nevada?

18 PROSPECTIVE JUROR NO. 977: 24 years.

19 THE COURT: Okay. And how far did you go to school?

20 PROSPECTIVE JUROR NO. 977: Currently in.

21 THE COURT: And are you in --

22 PROSPECTIVE JUROR NO. 977: Last year.

23 THE COURT: And where at?

24 PROSPECTIVE JUROR NO. 977: Nevada State.

25 THE COURT: Okay. Nevada State College?

1 PROSPECTIVE JUROR NO. 977: Correct.
2 THE COURT: And are you employed?
3 PROSPECTIVE JUROR NO. 977: Yes.
4 THE COURT: And what do you do for a living?
5 PROSPECTIVE JUROR NO. 977: I'm a part-time substitute
6 teacher, I'm a part-time, like, basketball official. I work at
7 MGM/Mandalay Bay. And there's something else I'm probably
8 forgetting.
9 THE COURT: And what do you do at MGM/Mandalay Bay?
10 PROSPECTIVE JUROR NO. 977: I do events.
11 THE COURT: Okay. And what is your marital status?
12 PROSPECTIVE JUROR NO. 977: Single.
13 THE COURT: Do you have any children?
14 PROSPECTIVE JUROR NO. 977: No.
15 THE COURT: All right. Have you ever served as a juror
16 before?
17 PROSPECTIVE JUROR NO. 977: No.
18 THE COURT: Have you ever testified as a witness in a
19 criminal case?
20 PROSPECTIVE JUROR NO. 977: No.
21 THE COURT: Have you or close family member ever been
22 convicted of crime?
23 PROSPECTIVE JUROR NO. 977: Yes.
24 THE COURT: And could you explain?
25 PROSPECTIVE JUROR NO. 977: My dad's a ex-felon from

1 years ago. I don't remember what he did. And my brother 10 years ago
2 was in jail for -- accused of rape.

3 THE COURT: Okay. And has that case been concluded, on
4 your -- with your brother?

5 PROSPECTIVE JUROR NO. 977: Yes.

6 THE COURT: Okay. And do you believe that the experiences
7 with your dad and your brother would affect -- make it difficult for you to
8 be fair and impartial to both sides in this case?

9 PROSPECTIVE JUROR NO. 977: It shouldn't, no.

10 THE COURT: Okay. Besides anything you may have already
11 told us, do you have any close relatives or friends who have been
12 engaged in law enforcement?

13 PROSPECTIVE JUROR NO. 977: Yes.

14 THE COURT: And could you explain, sir?

15 PROSPECTIVE JUROR NO. 977: I have a cousin, an uncle
16 who are cops. And I have three, like, really, really close friends that are
17 cops in Henderson.

18 THE COURT: Okay. So as to your relatives, where are they
19 cops at?

20 PROSPECTIVE JUROR NO. 977: One's in Maryland and
21 one's in Chicago.

22 THE COURT: Okay. And you said you have three friends
23 that are with the Henderson Police Department?

24 PROSPECTIVE JUROR NO. 977: Correct.

25 THE COURT: Okay. As to the individuals that you named, do

1 you ever talk to them about their job?

2 PROSPECTIVE JUROR NO. 977: All the time.

3 THE COURT: And which individuals?

4 PROSPECTIVE JUROR NO. 977: My three friends.

5 THE COURT: Okay. And what kinds of things do you talk
6 about with them?

7 PROSPECTIVE JUROR NO. 977: What they do, what kind of
8 cases they have, what kind of calls they get.

9 THE COURT: Okay. And does your knowledge about these
10 persons' job affect your ability to be fair and impartial in this case?

11 PROSPECTIVE JUROR NO. 977: No.

12 THE COURT: Okay. It is anticipated that certain law
13 enforcement officers will testify in this case; will you give more credibility
14 to their testimony by the mere fact that they are law enforcement
15 officers?

16 PROSPECTIVE JUROR NO. 977: Yes.

17 THE COURT: Okay. Is that because of your relationship with
18 your friends at the Henderson Police Department?

19 PROSPECTIVE JUROR NO. 977: Yes.

20 THE COURT: Okay. And do you agree that if you are chosen
21 to serve as a juror in this case, that you will honor your duty to be
22 completely fair and impartial and to listen carefully to all of the evidence?

23 PROSPECTIVE JUROR NO. 977: Yes.

24 THE COURT: Okay. You're kind of shaking your head back
25 and forth.

1 PROSPECTIVE JUROR NO. 977: I can't promise. I'll try,
2 like --

3 THE COURT: Okay. But you understand that if you're
4 chosen as a juror, you're going to be required to listen to all the evidence
5 in the case?

6 PROSPECTIVE JUROR NO. 977: Yes.

7 THE COURT: All the witnesses, and including law
8 enforcement. And it's after you listen to all the evidence that you -- that
9 you would be completely fair and impartial; you understand that, sir?

10 PROSPECTIVE JUROR NO. 977: Yes.

11 THE COURT: You're willing to do that?

12 PROSPECTIVE JUROR NO. 977: Yes.

13 THE COURT: Okay. If you could pass the microphone.
14 And you're Badge No. 0980?

15 PROSPECTIVE JUROR NO. 980: Yes, it is.

16 THE COURT: And Ms. Ramos?

17 PROSPECTIVE JUROR NO. 980: Yes, it is.

18 THE COURT: Okay. And ma'am, how long have you lived in
19 Clark County, Nevada?

20 PROSPECTIVE JUROR NO. 980: About 24 years.

21 THE COURT: And how far did you go in school?

22 PROSPECTIVE JUROR NO. 980: 11th grade.

23 THE COURT: All right. What is your occupation?

24 PROSPECTIVE JUROR NO. 980: I'm retired.

25 THE COURT: And before you retired, what did you do for a

1 living?

2 PROSPECTIVE JUROR NO. 980: I cleaned surgical suites at
3 the Nellis Air Force Base Hospital.

4 THE COURT: Okay. And what is your marital status?

5 PROSPECTIVE JUROR NO. 980: I'm married.

6 THE COURT: And what does your --

7 PROSPECTIVE JUROR NO. 980: He's retired.

8 THE COURT: And what did he do before he retired?

9 PROSPECTIVE JUROR NO. 980: He was a facilities
10 manager for a massage therapy school.

11 THE COURT: Here in Las Vegas, Nevada?

12 PROSPECTIVE JUROR NO. 980: Yes.

13 THE COURT: And what was the name of the company; do
14 you remember?

15 PROSPECTIVE JUROR NO. 980: You think I would. My
16 mind just went blank.

17 THE COURT: That's okay. Do you have any children,
18 ma'am?

19 PROSPECTIVE JUROR NO. 980: I had four. I have three
20 now.

21 THE COURT: Okay. As to your children, how old are they?

22 PROSPECTIVE JUROR NO. 980: My oldest is 48. The one
23 that follows is, like, 43. And the last one is 39.

24 THE COURT: Okay. As to your adult children, what do they
25 do for a living?

1 PROSPECTIVE JUROR NO. 980: My oldest son works here
2 in town for a company that distributes, like -- like, a commissary for food
3 for all the food courts --

4 THE COURT: Yes, ma'am.

5 PROSPECTIVE JUROR NO. 980: -- in the malls and casino
6 areas. But I'm not sure the -- the name.

7 THE COURT: What about your middle child?

8 PROSPECTIVE JUROR NO. 980: My middle child lives in
9 Arizona and he works for Maaco. It's a truck place that sells auto parts
10 or whatever.

11 THE COURT: And your youngest child?

12 PROSPECTIVE JUROR NO. 980: The youngest works at
13 Walmart.

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

15 PROSPECTIVE JUROR NO. 980: No.

16 THE COURT: Have you ever testified as a witness in a
17 criminal case?

18 PROSPECTIVE JUROR NO. 980: No.

19 THE COURT: Have you or a close family member ever been
20 convicted of a crime?

21 PROSPECTIVE JUROR NO. 980: My nephew was arrested
22 and did some jail time for drunk driving.

23 THE COURT: For drunk -- and was that here in Clark County,
24 Nevada?

25 PROSPECTIVE JUROR NO. 980: No. It was in Arizona.

1 THE COURT: And do you recall how long ago that was?

2 PROSPECTIVE JUROR NO. 980: He just got out, I think it
3 was in November.

4 THE COURT: Okay. So he was convicted for something
5 related to drunk driving?

6 PROSPECTIVE JUROR NO. 980: Yeah.

7 THE COURT: Okay. Do you believe that experience would
8 make it difficult for you to be fair and impartial to both sides in this case?

9 PROSPECTIVE JUROR NO. 980: No.

10 THE COURT: All right. Have you ever -- have you or a close
11 family member ever been the victim of a crime?

12 PROSPECTIVE JUROR NO. 980: Yes.

13 THE COURT: And could you explain, please?

14 PROSPECTIVE JUROR NO. 980: My youngest son was
15 murdered.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 980: Here in Vegas, back in '02.
18 They never found who -- or who or -- I don't know if there was one or
19 two. They never found who did it. And I was really hoping I wouldn't get
20 a case like this, because I'm very, very uncomfortable.

21 THE COURT: Well, that was my next question. Do you
22 believe that that experience will make it difficult for you to be fair and
23 impartial to both sides in this case?

24 PROSPECTIVE JUROR NO. 980: I -- I believe so.

25 THE COURT: Okay. And you understand nobody in this

1 case, either from the prosecution or defense, had anything to do with
2 the -- with your --

3 PROSPECTIVE JUROR NO. 980: I know.

4 THE COURT: -- with your son? You understand that?

5 PROSPECTIVE JUROR NO. 980: I do, but I can't --

6 THE COURT: And you don't think you could --

7 PROSPECTIVE JUROR NO. 980: -- help the way --

8 THE COURT: -- put that experience aside and be fair and --

9 PROSPECTIVE JUROR NO. 980: I -- I can't help the way --

10 THE COURT: -- impartial to both sides?

11 PROSPECTIVE JUROR NO. 980: -- I feel. I just can't.

12 THE COURT: I'm sorry, ma'am?

13 PROSPECTIVE JUROR NO. 980: I can't help the way I feel.
14 It's just the way I feel.

15 THE COURT: Okay. And was the murder of your son
16 investigated by Las Vegas Metropolitan Police Department?

17 PROSPECTIVE JUROR NO. 980: Yes, it was.

18 THE COURT: Okay. Besides anything you may have already
19 told us, do you have any close relatives or friends who have ever been
20 engaged in law enforcement?

21 PROSPECTIVE JUROR NO. 980: My son's father-in-law is a
22 retired detective in Arizona.

23 THE COURT: Okay. Anybody else?

24 PROSPECTIVE JUROR NO. 980: No.

25 THE COURT: And when you say your son's father-in-law,

1 what son are you referring to?

2 PROSPECTIVE JUROR NO. 980: My second son.

3 THE COURT: Okay. It is anticipated that certain law
4 enforcement officers will testify in this case; will you give more credibility
5 to their testimony by the mere fact that they are law enforcement
6 officers?

7 PROSPECTIVE JUROR NO. 980: I think so.

8 THE COURT: Okay. And you understand that we're going to
9 have various witnesses testify in this case, and you think just because
10 somebody is a law enforcement officer they would have more credibility
11 with you?

12 PROSPECTIVE JUROR NO. 980: I don't want to say. I've --
13 I -- I just -- I'm just not comfortable with it. I'm -- I'm not.

14 THE COURT: What do you mean you're uncomfortable?

15 PROSPECTIVE JUROR NO. 980: I -- I'm sitting here shaking.

16 THE COURT: Oh, I understand.

17 PROSPECTIVE JUROR NO. 980: I -- I can't help the way I
18 feel. It's just --

19 THE COURT: Okay. So you think because they're law
20 enforcement officer, they have more credibility than anybody else?

21 PROSPECTIVE JUROR NO. 980: I do.

22 THE COURT: Okay. However, if you -- do you agree that if
23 you are chosen as a juror in this case, that you will honor your duty to be
24 completely fair and impartial and to listen to all the evidence in this case
25 before you make a decision?

1 PROSPECTIVE JUROR NO. 980: I will.
2 THE COURT: Okay. Could you pass the microphone to the
3 next person, please.
4 And you're Badge No. 0990?
5 PROSPECTIVE JUROR NO. 990: Yes.
6 THE COURT: And could you say your last name, please?
7 PROSPECTIVE JUROR NO. 990: Fighera.
8 THE COURT: Fighera. I would have been close.
9 PROSPECTIVE JUROR NO. 990: You were. You got it. I
10 was impressed.
11 THE COURT: How long have you lived in Clark County,
12 Nevada?
13 PROSPECTIVE JUROR NO. 990: Since 2010.
14 THE COURT: All right. And how far did you go in school?
15 PROSPECTIVE JUROR NO. 990: Bachelor of Science in
16 Nursing.
17 THE COURT: And ma'am, what is your occupation?
18 PROSPECTIVE JUROR NO. 990: Healthcare strategy and
19 development.
20 THE COURT: And who are you employed by?
21 PROSPECTIVE JUROR NO. 990: Hospital Corporation of
22 America, HCA.
23 THE COURT: Okay. And what is your marital status?
24 PROSPECTIVE JUROR NO. 990: Single.
25 THE COURT: Do you have any children, ma'am?

1 PROSPECTIVE JUROR NO. 990: No.

2 THE COURT: All right. Have you ever served as a juror

3 before?

4 PROSPECTIVE JUROR NO. 990: No.

5 THE COURT: Have you ever testified as a witness in a

6 criminal case?

7 PROSPECTIVE JUROR NO. 990: No.

8 THE COURT: Have you or close family member ever been

9 convicted of a crime?

10 PROSPECTIVE JUROR NO. 990: Yes.

11 THE COURT: And could you explain?

12 PROSPECTIVE JUROR NO. 990: An uncle and a cousin,

13 organized crime, I guess you'd call it, New York state.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 990: And an uncle, murder,

16 New York.

17 THE COURT: Okay. So that's kind of my next question. So

18 the first one I'm going to ask you is, as far as the two first individuals that

19 you named, do you remember when the convictions occurred?

20 PROSPECTIVE JUROR NO. 990: I want to say in the '90s. I

21 don't remember exactly.

22 THE COURT: Okay. I believe you said in New York state?

23 PROSPECTIVE JUROR NO. 990: Correct.

24 THE COURT: And it was something -- I think you said mob

25 connected?

1 PROSPECTIVE JUROR NO. 990: Yeah. I don't know
2 exactly, you know, charges.

3 THE COURT: You don't know what the crimes were they
4 were convicted --

5 PROSPECTIVE JUROR NO. 990: Probably -- I don't know.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 990: I'm not into that, so.

8 THE COURT: No. That's fine. And maybe I misunderstood.
9 Was there a third person you mentioned?

10 PROSPECTIVE JUROR NO. 990: An uncle.

11 THE COURT: And was he convicted of something or was
12 he -- he --

13 PROSPECTIVE JUROR NO. 990: Yes.

14 THE COURT: -- was convicted?

15 PROSPECTIVE JUROR NO. 990: He was in jail. Correct.

16 THE COURT: And what was he convicted of?

17 PROSPECTIVE JUROR NO. 990: Murder.

18 THE COURT: Okay. And were -- where did the -- where was
19 that at?

20 PROSPECTIVE JUROR NO. 990: New York.

21 THE COURT: New York state also?

22 PROSPECTIVE JUROR NO. 990: Correct.

23 THE COURT: And do you know when?

24 PROSPECTIVE JUROR NO. 990: Oh, that was a long time
25 ago, many years ago.

1 THE COURT: Many years?

2 PROSPECTIVE JUROR NO. 990: I would say in the '70s.

3 THE COURT: Oh, I see. And do you believe that experience,
4 the fact that you have relatives that may have been convicted of a crime,
5 would make it more difficult for you to be fair and impartial to both sides
6 in this case?

7 PROSPECTIVE JUROR NO. 990: No.

8 THE COURT: All right. And have you or close family member
9 ever been the victim of a crime?

10 PROSPECTIVE JUROR NO. 990: No.

11 THE COURT: All right. Besides anything you've already told
12 us, do you have any close relatives or friends who have ever been
13 engaged in law enforcement?

14 PROSPECTIVE JUROR NO. 990: No.

15 THE COURT: All right. It is anticipated that certain law
16 enforcement officers will testify in this case; will you give more credibility
17 to their testimony by the mere fact that they are law enforcement
18 officers?

19 PROSPECTIVE JUROR NO. 990: Yes.

20 THE COURT: Okay. You understand a lot of witnesses are
21 going to testify in this case?

22 PROSPECTIVE JUROR NO. 990: Yes.

23 THE COURT: And you're going to be required to -- after
24 hearing all the evidence, if you're chosen a juror, to make a
25 determination; you understand that?

1 PROSPECTIVE JUROR NO. 990: Yes.

2 THE COURT: And are you willing to give a law enforcement
3 officers -- the same credibility as any person who may come before you
4 and testify in this case?

5 PROSPECTIVE JUROR NO. 990: I think I would give them
6 more credibility, yes.

7 THE COURT: And is it just because they're a law
8 enforcement officer?

9 PROSPECTIVE JUROR NO. 990: I think so, yes.

10 THE COURT: Okay. However, do you agree that if you were
11 chosen to serve as a juror in the case, that you will honor your duty to be
12 completely fair and impartial?

13 PROSPECTIVE JUROR NO. 990: Yes.

14 THE COURT: And to listen carefully to all the evidence in the
15 case before you make a decision?

16 PROSPECTIVE JUROR NO. 990: Yes.

17 THE COURT: Okay. Could you pass it to the gentleman next
18 to you.

19 And your -- sir, your badge number is 0993?

20 PROSPECTIVE JUROR NO. 993: Yes, sir.

21 THE COURT: And if you can, please state your last name.

22 PROSPECTIVE JUROR NO. 993: Antheaume.

23 THE COURT: I would not have been close.

24 PROSPECTIVE JUROR NO. 993: Okay.

25 THE COURT: Sir, how long have you lived in Clark County,

1 Nevada?

2 PROSPECTIVE JUROR NO. 993: 41 years.

3 THE COURT: And how far did you go in school?

4 PROSPECTIVE JUROR NO. 993: Master's plus 32 credits.

5 THE COURT: And are you -- what is your occupation, sir?

6 PROSPECTIVE JUROR NO. 993: I'm an administrator in the
7 district, school district.

8 THE COURT: Okay. And that's Clark County School District?

9 PROSPECTIVE JUROR NO. 993: Yes, sir.

10 THE COURT: And what is your marital status?

11 PROSPECTIVE JUROR NO. 993: Married.

12 THE COURT: And what is the occupation of your spouse?

13 PROSPECTIVE JUROR NO. 993: She does interior design.

14 THE COURT: Does she work for somebody or is she
15 self-employed?

16 PROSPECTIVE JUROR NO. 993: She works for someone.

17 THE COURT: All right. Do you know the name of the
18 company?

19 PROSPECTIVE JUROR NO. 993: Chateau Interiors.

20 THE COURT: All right. Do you have any children?

21 PROSPECTIVE JUROR NO. 993: Yes.

22 THE COURT: How old are they?

23 PROSPECTIVE JUROR NO. 993: Nine.

24 THE COURT: And I assume -- is it a little boy or little girl?

25 PROSPECTIVE JUROR NO. 993: Little girl.

1 THE COURT: Okay. And I assume she's in school?
2 PROSPECTIVE JUROR NO. 993: Yes, sir.
3 THE COURT: All right. Have you ever served as a juror
4 before?
5 PROSPECTIVE JUROR NO. 993: Have not.
6 THE COURT: Okay. Have you ever testified as a witness in a
7 criminal case?
8 PROSPECTIVE JUROR NO. 993: No, sir.
9 THE COURT: And have you or close family member ever
10 been convicted of a crime.
11 PROSPECTIVE JUROR NO. 993: Is step father-in-law
12 considered a close family member?
13 THE COURT: You tell me. Is he a close family member?
14 PROSPECTIVE JUROR NO. 993: Not in my opinion, but
15 other people might.
16 THE COURT: And what -- do you know what the conviction
17 was?
18 PROSPECTIVE JUROR NO. 993: Murder.
19 THE COURT: Okay. And do you believe that experience in
20 any way would make it more difficult for you to be fair and impartial to
21 both sides in this case?
22 PROSPECTIVE JUROR NO. 993: No, sir.
23 THE COURT: All right. Have you ever -- you or a close family
24 member ever been the victim of a crime?
25 PROSPECTIVE JUROR NO. 993: I've had my rims stolen off

1 my car many years ago.

2 THE COURT: Your rims?

3 PROSPECTIVE JUROR NO. 993: Yes, sir. It was kind of an
4 odd situation.

5 THE COURT: Was that here in Clark County, Nevada?

6 PROSPECTIVE JUROR NO. 993: It was.

7 THE COURT: Did you report it to the police?

8 PROSPECTIVE JUROR NO. 993: Yes, sir.

9 THE COURT: Did they investigate?

10 PROSPECTIVE JUROR NO. 993: I believe they did their part.

11 THE COURT: Were you satisfied with the investigation?

12 PROSPECTIVE JUROR NO. 993: Had to buy new rims.

13 THE COURT: All right. So I take it the rims were -- the rims
14 were never recovered?

15 PROSPECTIVE JUROR NO. 993: Correct, sir.

16 THE COURT: All right. Is there anything about that
17 experience that would make it difficult for you to be fair and impartial to
18 both sides in this case?

19 PROSPECTIVE JUROR NO. 993: No, sir.

20 THE COURT: All right. Besides anything you may have
21 already told us, do you have any close relatives or friends who have
22 ever been engaged in law enforcement?

23 PROSPECTIVE JUROR NO. 993: Just some friends.

24 THE COURT: Okay. Do you -- what -- when I say law
25 enforcement, can you identify which law enforcement agency?

1 PROSPECTIVE JUROR NO. 993: District officers.
2 THE COURT: School district officers?
3 PROSPECTIVE JUROR NO. 993: Correct.
4 THE COURT: And do they work with you?
5 PROSPECTIVE JUROR NO. 993: Correct.
6 THE COURT: And do you talk to them about their job?
7 PROSPECTIVE JUROR NO. 993: Daily.
8 THE COURT: I'm sorry, I didn't hear the --
9 PROSPECTIVE JUROR NO. 993: Daily.
10 THE COURT: Daily? And what kind of things do you talk
11 about?
12 PROSPECTIVE JUROR NO. 993: Just kind of their -- their
13 typical duties. I see them in action on campus and things that they do
14 on a day-to-day basis.
15 THE COURT: Does your knowledge about these persons' job
16 affect your ability to be fair and impartial in this case?
17 PROSPECTIVE JUROR NO. 993: No, sir.
18 THE COURT: All right. It is anticipated that certain law
19 enforcement officers will testify in this case; will you give more credibility
20 to their testimony by the mere fact that they are law enforcement
21 officers?
22 PROSPECTIVE JUROR NO. 993: Yes, sir.
23 THE COURT: So you're just going to -- if it's a law
24 enforcement officer, no matter what other witness say, you're going to
25 give them more credibility than any other witness?

1 PROSPECTIVE JUROR NO. 993: To a degree, yes.

2 THE COURT: Okay. When you say to a degree, yes -- well, if

3 another witness contradicts what law enforcement officers say, can you

4 give that -- will you be willing to believe that person over the law

5 enforcement officer, give that person more credibility?

6 PROSPECTIVE JUROR NO. 993: I guess it -- it depends on

7 the evidence.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 993: Is that fair?

10 THE COURT: And that's my next question. Absolutely.

11 PROSPECTIVE JUROR NO. 993: Okay.

12 THE COURT: Do you agree that if you are chosen to serve a

13 the juror in this case, that you will honor your duty to be completely fair

14 and impartial and to listen carefully to all the evidence in the case?

15 PROSPECTIVE JUROR NO. 993: Yes, sir.

16 THE COURT: All right. Can you pass the microphone,

17 please.

18 And your badge, sir? You're Badge No. 1004?

19 PROSPECTIVE JUROR NO. 1004: Yes.

20 THE COURT: And you're Mr. Locke?

21 PROSPECTIVE JUROR NO. 1004: Yes.

22 THE COURT: Sir, how long have you lived in Clark County,

23 Nevada?

24 PROSPECTIVE JUROR NO. 1004: 45 years.

25 THE COURT: And how far did you go in school?

1 PROSPECTIVE JUROR NO. 1004: I have a master's degree.
2 THE COURT: Okay. And what is your occupation?
3 PROSPECTIVE JUROR NO. 1004: I'm retired, but I was a
4 geologist.
5 THE COURT: And was that here in Clark County, Nevada?
6 PROSPECTIVE JUROR NO. 1004: Yes.
7 THE COURT: And what is your marital status?
8 PROSPECTIVE JUROR NO. 1004: Married.
9 THE COURT: And what does your spouse do?
10 PROSPECTIVE JUROR NO. 1004: Retired.
11 THE COURT: And --
12 PROSPECTIVE JUROR NO. 1004: She was housewife.
13 THE COURT: Housewife? Is that what she did before she
14 retired?
15 PROSPECTIVE JUROR NO. 1004: Yeah.
16 THE COURT: And do you have any children?
17 PROSPECTIVE JUROR NO. 1004: No.
18 THE COURT: Have you ever served as a juror before?
19 PROSPECTIVE JUROR NO. 1004: No.
20 THE COURT: Have you ever testified as a witness at a
21 criminal case?
22 PROSPECTIVE JUROR NO. 1004: No.
23 THE COURT: Have you or close family member ever been
24 convicted of a crime?
25 PROSPECTIVE JUROR NO. 1004: No.

1 THE COURT: Have you or close family member ever been
2 the victim of a crime?

3 PROSPECTIVE JUROR NO. 1004: Yes. We've been
4 burglarized a couple of times.

5 THE COURT: And you -- you're referring to you and your
6 wife?

7 PROSPECTIVE JUROR NO. 1004: Yeah.

8 THE COURT: And your residence has been broken into?

9 PROSPECTIVE JUROR NO. 1004: Yes.

10 THE COURT: Were you home when any of these burglaries
11 occurred?

12 PROSPECTIVE JUROR NO. 1004: No.

13 THE COURT: Okay. And did you report them to law
14 enforcement?

15 PROSPECTIVE JUROR NO. 1004: One of them.

16 THE COURT: And what was the agency you reported it to?

17 PROSPECTIVE JUROR NO. 1004: Metro, you know, the --

18 THE COURT: And did they investigate?

19 PROSPECTIVE JUROR NO. 1004: Well I just did a report.
20 That's all.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 1004: At the station.

23 THE COURT: And do you believe that that experience will
24 make it more difficult for you to be fair and impartial to both sides in this
25 case?

1 PROSPECTIVE JUROR NO. 1004: Yes.

2 THE COURT: And what side could you not be fair and
3 impartial to?

4 PROSPECTIVE JUROR NO. 1004: Oh, I didn't understand
5 the question.

6 THE COURT: Okay. What I'm asking you, do you believe
7 that experience would make it more difficult for you to be fair and
8 impartial to both sides? In other words, the fact that you were a victim,
9 can you be fair and impartial to both sides in this case?

10 PROSPECTIVE JUROR NO. 1004: Yes.

11 THE COURT: All right. Besides anything you've already told
12 us, do you have any close relatives or friends who have ever been
13 engaged in law enforcement?

14 PROSPECTIVE JUROR NO. 1004: No.

15 THE COURT: It is anticipated that certain law enforcement
16 officers will testify in this case; will you give more credibility to their
17 testimony by the mere fact that they are law enforcement officers?

18 PROSPECTIVE JUROR NO. 1004: I don't think so. I don't
19 think so.

20 THE COURT: Okay. Do you agree that if you are chosen
21 as -- to serve as a juror in this case, that you will honor your duty to be
22 completely fair and impartial and to listen carefully to all the evidence in
23 this case?

24 PROSPECTIVE JUROR NO. 1004: Yes.

25 THE COURT: All right. Sir, can you pass the microphone,

1 that's going to be this gentleman at the end.

2 Where is -- you can just -- oh, I appreciate that. Thank you.

3 And, sir, you're Badge No. 1007?

4 PROSPECTIVE JUROR NO. 1007: That's correct.

5 THE COURT: And is it Mr. McAuley?

6 PROSPECTIVE JUROR NO. 1007: Correct.

7 THE COURT: And sir, how long have you lived in Clark
8 County, Nevada?

9 PROSPECTIVE JUROR NO. 1007: 17 years.

10 THE COURT: And how far did you go in school?

11 PROSPECTIVE JUROR NO. 1007: High school.

12 THE COURT: And what is your occupation?

13 PROSPECTIVE JUROR NO. 1007: I work for the National
14 Park System.

15 THE COURT: All right. And what is your marital status?

16 PROSPECTIVE JUROR NO. 1007: Not very good.

17 THE COURT: As -- as you sit here today, are you married?

18 PROSPECTIVE JUROR NO. 1007: No.

19 THE COURT: Okay. Are you divorced?

20 PROSPECTIVE JUROR NO. 1007: We never got married.

21 THE COURT: I see.

22 PROSPECTIVE JUROR NO. 1007: Yeah.

23 THE COURT: All right. As to -- I can't call her your spouse,
24 but as to the person you were not married to, what was her occupation?

25 PROSPECTIVE JUROR NO. 1007: She was a waitress.

1 THE COURT: Okay. And how long did you live together?

2 PROSPECTIVE JUROR NO. 1007: Probably about
3 two-and-a-half years.

4 THE COURT: All right. And were you ever married before
5 that relationship?

6 PROSPECTIVE JUROR NO. 1007: No.

7 THE COURT: All right. Do you have any children?

8 PROSPECTIVE JUROR NO. 1007: No.

9 THE COURT: All right. Have you ever severed as a juror
10 before?

11 PROSPECTIVE JUROR NO. 1007: Yes.

12 THE COURT: All right. Was it a civil or criminal case?

13 PROSPECTIVE JUROR NO. 1007: It was a criminal case.

14 THE COURT: Okay. And was that here in Clark County,
15 Nevada?

16 PROSPECTIVE JUROR NO. 1007: It was in Southern
17 California.

18 THE COURT: Okay. Without telling me the verdict, did the --
19 did the jury reach a verdict in that case?

20 PROSPECTIVE JUROR NO. 1007: It was split.

21 THE COURT: Okay. It was split. Okay. Were you the
22 foreperson?

23 PROSPECTIVE JUROR NO. 1007: No.

24 THE COURT: And I put my hand up because I thought you
25 were going to tell me the verdict. That's the only reason. So I was trying

1 to signal please don't tell me the actual verdict. Is there anything about
2 that experience that will affect your ability to be fair and impartial in this
3 case?

4 PROSPECTIVE JUROR NO. 1007: I don't believe so.

5 THE COURT: All right. Have you ever testified as a witness
6 in a criminal case?

7 PROSPECTIVE JUROR NO. 1007: No.

8 THE COURT: All right. Have you or close family member
9 ever been convicted of a crime?

10 PROSPECTIVE JUROR NO. 1007: I don't believe so.

11 THE COURT: Okay. Is there something that vaguely comes
12 to your recollection? Kind of looked up for a second there.

13 PROSPECTIVE JUROR NO. 1007: Drunk driving or
14 something like that.

15 THE COURT: And was it a family member or you --

16 PROSPECTIVE JUROR NO. 1007: Yeah.

17 THE COURT: It was a family member?

18 PROSPECTIVE JUROR NO. 1007: Yeah, a family member.

19 THE COURT: Do you remember who?

20 PROSPECTIVE JUROR NO. 1007: Yeah, it was -- who?

21 THE COURT: Who? Yes. Which person in your family?

22 PROSPECTIVE JUROR NO. 1007: My father.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 1007: Yeah.

25 THE COURT: And do you recall when?

1 PROSPECTIVE JUROR NO. 1007: This years ago. I --

2 THE COURT: Okay. Have you or close family member ever
3 been the victim of a crime?

4 PROSPECTIVE JUROR NO. 1007: It's been so many years,
5 but not really, no.

6 THE COURT: Okay. Did something happen that --
7 something --

8 PROSPECTIVE JUROR NO. 1007: You know, it's --

9 THE COURT: -- years ago?

10 PROSPECTIVE JUROR NO. 1007: Not really, no.

11 THE COURT: Okay. And again, if it's something personal or
12 something, we can do it privately, if it's something that is personal to
13 you.

14 PROSPECTIVE JUROR NO. 1007: No, that's okay.

15 THE COURT: We can do it -- I'm sorry?

16 PROSPECTIVE JUROR NO. 1007: That's all right.

17 THE COURT: It's okay? Huh? I'm sorry, I didn't hear you.
18 You have the microphone away and I didn't hear you. I apologize.

19 PROSPECTIVE JUROR NO. 1007: What was the -- what was
20 the --

21 THE COURT: I was going to say if it's something that is
22 personal to you that you don't want to reveal to the entire panel, we can
23 do it individually with you.

24 PROSPECTIVE JUROR NO. 1007: No. I don't -- I don't see
25 that.

1 THE COURT: Okay. And besides anything you already told
2 us, do you have any close relatives or friends who have ever been
3 engaged in law enforcement?

4 PROSPECTIVE JUROR NO. 1007: With the National Park
5 Service, we -- we go together, so --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 1007: -- I can't help but have
8 some law enforcement officers, you know, as friends.

9 THE COURT: So you're not engaged in law enforcement, but
10 through the National Park Services, there are persons who are
11 considered law enforcement?

12 PROSPECTIVE JUROR NO. 1007: That's correct.

13 THE COURT: Okay. And how -- how many individuals are
14 you close friends with in -- in law enforcement?

15 PROSPECTIVE JUROR NO. 1007: Well, they all go on tours.
16 But I'd say two of them are pretty good friends of mine.

17 THE COURT: And do you talk to those two individuals about
18 their job?

19 PROSPECTIVE JUROR NO. 1007: Yeah.

20 THE COURT: And, typically, what kinds of things do you talk
21 about with them?

22 PROSPECTIVE JUROR NO. 1007: Traffic control, vandalism
23 at the parks, and stuff like that.

24 THE COURT: Okay. And are you -- are we talking Lake
25 Mead, Mt. Charleston, Red Rock?

1 PROSPECTIVE JUROR NO. 1007: Yeah, Lake Mead. Lake
2 Mead, yeah.

3 THE COURT: Lake Mead? Okay. Does your knowledge
4 about these persons' job affect your ability to be fair and impartial in this
5 case?

6 PROSPECTIVE JUROR NO. 1007: I think I could, yes.

7 THE COURT: You think you could be fair and impartial? Is
8 that yes, sir?

9 PROSPECTIVE JUROR NO. 1007: Yes.

10 THE COURT: I'm -- yes -- is that a yes, sir. Okay. It is
11 anticipated that certain law enforcement officers will testify in this case;
12 will you give more credibility to their testimony by the mere fact that they
13 are law enforcement officers?

14 PROSPECTIVE JUROR NO. 1007: I think I can do that.

15 THE COURT: Okay. So in other words, you're willing to listen
16 to all the witnesses testify and -- before you determine credibility; is that
17 correct?

18 PROSPECTIVE JUROR NO. 1007: I would try to do that, yes.

19 THE COURT: Okay. So do you agree if you are chosen to
20 serve as a juror in this case, that you will honor your duty to be
21 completely fair and impartial and to listen carefully to all of the evidence?

22 PROSPECTIVE JUROR NO. 1007: Yes, I would.

23 THE COURT: Okay. Thank you, sir. And if you could pass it
24 to the person next to you.

25 And, ma'am, you're Badge No. 1011?

1 PROSPECTIVE JUROR NO. 1011: Yes.

2 THE COURT: And I'm just going to let you tell me your -- if

3 you could pronounce your last name?

4 PROSPECTIVE JUROR NO. 1011: It's Buncio.

5 THE COURT: Buncio, okay. And ma'am, how long have you

6 lived in Clark County, Nevada?

7 PROSPECTIVE JUROR NO. 1011: Ten years.

8 THE COURT: And how far did you go in school?

9 PROSPECTIVE JUROR NO. 1011: Second year college.

10 THE COURT: And what is your occupation?

11 PROSPECTIVE JUROR NO. 1011: I'm a [indiscernible]

12 dealer.

13 THE COURT: I'm sorry?

14 PROSPECTIVE JUROR NO. 1011: [Indiscernible] dealer.

15 THE COURT: Okay. And what is your marital status?

16 PROSPECTIVE JUROR NO. 1011: Single.

17 THE COURT: Do you have any children?

18 PROSPECTIVE JUROR NO. 1011: Yeah.

19 THE COURT: And how old is your -- how old are your

20 children?

21 PROSPECTIVE JUROR NO. 1011: My oldest is 38 years old.

22 And then my second son is 33. And then my youngest, 32.

23 THE COURT: Okay. And at one time were you married?

24 PROSPECTIVE JUROR NO. 1011: Yeah.

25 THE COURT: And what did -- I assume it's your former

1 husband?

2 PROSPECTIVE JUROR NO. 1011: What's --

3 THE COURT: You said --

4 PROSPECTIVE JUROR NO. 1011: Yeah. I'm divorced.

5 THE COURT: Okay. And what did he do for a living?

6 PROSPECTIVE JUROR NO. 1011: For now, I don't know. I
7 have no idea.

8 THE COURT: Okay. So when you were married, did he
9 work?

10 PROSPECTIVE JUROR NO. 1011: Yeah.

11 THE COURT: What did he do?

12 PROSPECTIVE JUROR NO. 1011: A businessman.

13 THE COURT: Okay. And you have adult children; is that
14 correct?

15 PROSPECTIVE JUROR NO. 1011: Yeah.

16 THE COURT: And what do they do for a living?

17 PROSPECTIVE JUROR NO. 1011: My oldest son is into U.S.
18 Navy. And then my second son, he's into concierge manager in Planet
19 Hollywood. And then my youngest, child specialist.

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

21 PROSPECTIVE JUROR NO. 1011: No.

22 THE COURT: Have you ever testified as a witness in a
23 criminal case?

24 PROSPECTIVE JUROR NO. 1011: No.

25 THE COURT: Have you or close family member ever been

1 convicted of a crime?

2 PROSPECTIVE JUROR NO. 1011: No.

3 THE COURT: Have you or close family member ever been
4 the victim of a crime?

5 PROSPECTIVE JUROR NO. 1011: No.

6 THE COURT: Besides everything you already told us, do you
7 have any close relatives or friends who have ever been engaged in law
8 enforcement?

9 PROSPECTIVE JUROR NO. 1011: No.

10 THE COURT: Okay. It is anticipated that certain law
11 enforcement officers will testify in this case; will you give more credibility
12 to their testimony by the mere fact that they are law enforcement
13 officers?

14 PROSPECTIVE JUROR NO. 1011: It all depends.

15 THE COURT: So are you willing to listen to all the witnesses
16 testify --

17 PROSPECTIVE JUROR NO. 1011: Yeah.

18 THE COURT: -- and then determine credibility?

19 PROSPECTIVE JUROR NO. 1011: Yes.

20 THE COURT: Okay. And so do you agree that if you are
21 chosen to serve as juror in this case, that you would honor your duty to
22 be completely fair and impartial and to listen carefully to all the evidence
23 in the case?

24 PROSPECTIVE JUROR NO. 1011: Yes, sir.

25 THE COURT: All right. If you could pass the macro --

1 macrophone -- if you could pass the microphone, I appreciate it.

2 And you are Badge No. 1018?

3 PROSPECTIVE JUROR NO. 1018: Yeah.

4 THE COURT: And could you say your last name, please?

5 PROSPECTIVE JUROR NO. 1018: Yeah. My name is Khanh
6 Khuu.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 1018: Yeah. But no, sorry, sir.
9 I -- I forget tell you in beginning my English not good.

10 THE COURT: Your English is not so good?

11 PROSPECTIVE JUROR NO. 1018: Yeah. That's why I
12 [indiscernible], yeah.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 1018: Yeah. Sorry.

15 THE COURT: And is English a second language?

16 PROSPECTIVE JUROR NO. 1018: Yeah.

17 THE COURT: Okay. And what is your native language, your
18 first language?

19 PROSPECTIVE JUROR NO. 1018: My -- my language
20 Vietnam.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 1018: Yeah.

23 THE COURT: And have you had any trouble understanding
24 anything I said so far today?

25 PROSPECTIVE JUROR NO. 1018: I understand a little bit,

1 not too much.

2 THE COURT: Okay. So you didn't understand some of the
3 words?

4 PROSPECTIVE JUROR NO. 1018: Some word, yeah.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 1018: Some not -- not too
7 much.

8 THE COURT: Okay. And do you think you'll have difficulty
9 understanding witnesses? Their testimony is going to be English.

10 PROSPECTIVE JUROR NO. 1018: Yeah.

11 THE COURT: Do you think you'll have difficulty
12 understanding them?

13 PROSPECTIVE JUROR NO. 1018: Yeah.

14 THE COURT: Okay. And I'm going to -- at the end of this
15 case, I'm going to read injury instructions to you. Those will also be in
16 English. Do you think you're going to have difficulty understanding legal
17 terminology that may be contained in those jury instructions?

18 PROSPECTIVE JUROR NO. 1018: I don't know.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 1018: Sorry.

21 THE COURT: I'm going to ask you some questions.

22 PROSPECTIVE JUROR NO. 1018: Yeah.

23 THE COURT: If you don't understand my question, please let
24 me know.

25 PROSPECTIVE JUROR NO. 1018: Yeah.

1 THE COURT: Okay?

2 PROSPECTIVE JUROR NO. 1018: Yeah.

3 THE COURT: Okay. How long have you lived in Clark

4 County, Nevada?

5 PROSPECTIVE JUROR NO. 1018: Yeah. I live

6 here 11 years.

7 THE COURT: And how far did you go in school?

8 PROSPECTIVE JUROR NO. 1018: I didn't go school here. In

9 Vietnam, yeah.

10 THE COURT: Okay. And in Vietnam, how far did you go in

11 school?

12 PROSPECTIVE JUROR NO. 1018: Oh, I go to high school.

13 THE COURT: High school?

14 PROSPECTIVE JUROR NO. 1018: Yeah.

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

16 PROSPECTIVE JUROR NO. 1018: Here?

17 THE COURT: Yes, in -- in Clark County, Nevada?

18 PROSPECTIVE JUROR NO. 1018: I do manicure.

19 THE COURT: You do manicures?

20 PROSPECTIVE JUROR NO. 1018: Manicure -- yeah.

21 THE COURT: Okay. And what is your marital status? Are

22 you married?

23 PROSPECTIVE JUROR NO. 1018: Yeah, married.

24 THE COURT: And what is the occupation of your spouse?

25 PROSPECTIVE JUROR NO. 1018: My husband, bus driver.

1 THE COURT: A bus driver?
2 PROSPECTIVE JUROR NO. 1018: Yeah.
3 THE COURT: All right. Do you have any children?
4 PROSPECTIVE JUROR NO. 1018: Yeah, one.
5 THE COURT: And how old is your child?
6 PROSPECTIVE JUROR NO. 1018: 14 year.
7 THE COURT: 14 years old? And I assume he just -- he goes
8 to school, he's not employed?
9 PROSPECTIVE JUROR NO. 1018: He go school, high
10 school. Yeah.
11 THE COURT: He -- he goes -- I'm sorry?
12 PROSPECTIVE JUROR NO. 1018: He go high school.
13 THE COURT: High school?
14 PROSPECTIVE JUROR NO. 1018: Yeah.
15 THE COURT: Okay. Have you ever served as a juror before?
16 Have you ever been on a jury before?
17 PROSPECTIVE JUROR NO. 1018: Before I --
18 THE COURT: Before today?
19 PROSPECTIVE JUROR NO. 1018: Before I -- I live here, I
20 live California.
21 THE COURT: You were on a jury in California?
22 PROSPECTIVE JUROR NO. 1018: Oh.
23 UNIDENTIFIED SPEAKER: She doesn't understand.
24 THE COURT: Okay.
25 PROSPECTIVE JUROR NO. 1018: Yeah. I don't understand.

1 THE COURT: Were you ever on a jury before? Before
2 today --
3 PROSPECTIVE JUROR NO. 1018: No, no.
4 THE COURT: -- you never were on a jury?
5 PROSPECTIVE JUROR NO. 1018: Yeah. Yeah.
6 THE COURT: Okay.
7 PROSPECTIVE JUROR NO. 1018: Just first time, yeah.
8 THE COURT: This is your first time?
9 PROSPECTIVE JUROR NO. 1018: Yeah.
10 THE COURT: All right. Have you ever testified as a witness
11 in a criminal case? Have you ever been called to testify as a witness in
12 a criminal case? Do you understand the word witness?
13 PROSPECTIVE JUROR NO. 1018: No.
14 THE COURT: No? Okay. Have you ever come to court and
15 had to testify for any reason?
16 PROSPECTIVE JUROR NO. 1018: [No audible response.]
17 THE COURT: Do you understand the word testify?
18 PROSPECTIVE JUROR NO. 1018: I don't -- sorry.
19 THE COURT: I'm -- believe me, there's -- listen, I can barely
20 speak English and that's my first language.
21 PROSPECTIVE JUROR NO. 1018: Yeah, yeah.
22 THE COURT: So I understand that --
23 PROSPECTIVE JUROR NO. 1018: Yeah, yeah.
24 THE COURT: -- this may be your second language.
25 PROSPECTIVE JUROR NO. 1018: Yeah.

1 THE COURT: Okay?

2 PROSPECTIVE JUROR NO. 1018: Yeah.

3 THE COURT: So if you don't understand something, please

4 let me know. All right?

5 PROSPECTIVE JUROR NO. 1018: Yeah. Yeah.

6 THE COURT: Okay. Have you ever -- have you or close

7 family member ever been convicted of a crime?

8 PROSPECTIVE JUROR NO. 1018: I had one brother in the

9 Indiana.

10 THE COURT: You had a brother convicted of a crime?

11 PROSPECTIVE JUROR NO. 1018: No. My -- my brother live

12 in Indiana.

13 THE COURT: Okay. And my question is, have you or close

14 family member ever been convicted of a crime? Has your brother in

15 Indiana ever been convicted of a crime?

16 PROSPECTIVE JUROR NO. 1018: I don't understand.

17 THE COURT: Okay. Have you or close family member ever

18 been the victim of a crime? Have you or a close family member ever

19 been the victim of a crime?

20 PROSPECTIVE JUROR NO. 1018: I don't know.

21 THE COURT: Okay. Do you understand the question?

22 PROSPECTIVE JUROR NO. 1018: I don't understand.

23 THE COURT: I can't hear you, ma'am.

24 PROSPECTIVE JUROR NO. 1018: I don't understand, sorry.

25 THE COURT: Are you saying I don't understand?

1 PROSPECTIVE JUROR NO. 1018: Yeah. I don't understand.

2 THE COURT: Okay. You may have a softer voice than I do.

3 PROSPECTIVE JUROR NO. 1018: Sorry.

4 THE COURT: Besides anything you've already told us, do
5 you have any close relatives or friends who have ever been engaged in
6 law enforcement? Have any relatives or close friends ever been, like, on
7 the police department or anything of that nature?

8 PROSPECTIVE JUROR NO. 1018: I don't understand.

9 THE COURT: Okay. It is anticipated that certain law
10 enforcement officers will testify in this case; will you give more credibility
11 to their testimony by the mere fact that they are law enforcement
12 officers? Do you understand that question?

13 PROSPECTIVE JUROR NO. 1018: No.

14 THE COURT: No? All right. I'm going to ask you one more
15 question.

16 PROSPECTIVE JUROR NO. 1018: Yeah.

17 THE COURT: Do you agree that if you are chosen to serve as
18 a juror in this case, that you will honor your duty to be completely fair
19 and impartial and to listen carefully to all the evidence in the case? Do
20 you understand that question?

21 PROSPECTIVE JUROR NO. 1018: No.

22 THE COURT: Okay. What -- is there words in it that you
23 don't understand? Are there words in that question that you did not
24 understand?

25 PROSPECTIVE JUROR NO. 1018: With the word okay. If --

1 if they need I -- I happy.

2 THE COURT: I'm sorry, I didn't hear you. Is there words in
3 that question that you didn't understand?

4 PROSPECTIVE JUROR NO. 1018: I don't understand, yeah.

5 THE COURT: Okay. You're not understanding what I'm
6 asking you right now?

7 PROSPECTIVE JUROR NO. 1018: Yeah, no.

8 THE COURT: All right. If you could pass the microphone to
9 the person next to you.

10 And your badge -- ma'am, you're Badge No. 1034?

11 PROSPECTIVE JUROR NO. 1034: Yes, it is.

12 THE COURT: Ms. Higgs?

13 PROSPECTIVE JUROR NO. 1034: Yes.

14 THE COURT: Ma'am, how far -- how long have you lived in
15 Clark County, Nevada?

16 PROSPECTIVE JUROR NO. 1034: 17 years.

17 THE COURT: And how far did you go in school?

18 PROSPECTIVE JUROR NO. 1034: Associate's degree.

19 THE COURT: And what is your occupation?

20 PROSPECTIVE JUROR NO. 1034: I'm a manager and buyer
21 for Total Wine.

22 THE COURT: All right. And what is your marital status?

23 PROSPECTIVE JUROR NO. 1034: I'm married.

24 THE COURT: And what is the occupation of your spouse?

25 PROSPECTIVE JUROR NO. 1034: She's an import and craft

1 specialist for Nevada Beverage.

2 THE COURT: Do you have any children?

3 PROSPECTIVE JUROR NO. 1034: One stepson.

4 THE COURT: And --

5 PROSPECTIVE JUROR NO. 1034: He's 17.

6 THE COURT: 17. All right. Does -- does he go to high
7 school?

8 PROSPECTIVE JUROR NO. 1034: Yes, he does.

9 THE COURT: Does he work at all?

10 PROSPECTIVE JUROR NO. 1034: He works part time in a
11 restaurant, but he lives in Pennsylvania.

12 THE COURT: Oh, your son -- the stepson lives in
13 Pennsylvania?

14 PROSPECTIVE JUROR NO. 1034: Uh-huh.

15 THE COURT: In Pennsylvania --

16 PROSPECTIVE JUROR NO. 1034: Uh-huh.

17 THE COURT: -- is that correct? And have you ever served as
18 a juror before?

19 PROSPECTIVE JUROR NO. 1034: Yes, I have.

20 THE COURT: Was that a civil or criminal case; do you recall?

21 PROSPECTIVE JUROR NO. 1034: It was a criminal case. It
22 was an assault case.

23 THE COURT: Okay. And where was that?

24 PROSPECTIVE JUROR NO. 1034: It was in Modesto,
25 California.

1 THE COURT: Okay. And without telling me the verdict, did
2 the jury reach a verdict in that case?

3 PROSPECTIVE JUROR NO. 1034: Yes, we did.

4 THE COURT: All right. Were you foreperson?

5 PROSPECTIVE JUROR NO. 1034: No.

6 THE COURT: Is there anything about that experience that
7 would affect your ability to be fair and impartial in this case?

8 PROSPECTIVE JUROR NO. 1034: No.

9 THE COURT: All right. Have you ever testified as a witness
10 in a criminal case?

11 PROSPECTIVE JUROR NO. 1034: No.

12 THE COURT: Have you or close family member ever been
13 convicted of a crime?

14 PROSPECTIVE JUROR NO. 1034: My uncle, before I was
15 born, and it was armed robbery. So --

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 1034: -- it was, like, 50 years
18 ago.

19 THE COURT: All right. Do you know whether your uncle was
20 convicted of?

21 PROSPECTIVE JUROR NO. 1034: It was armed robbery.

22 THE COURT: Oh, armed robbery. I'm sorry, I didn't catch
23 that.

24 PROSPECTIVE JUROR NO. 1034: It's the only time I ever
25 talk about him is when somebody asks have anyone ever been

1 convicted in your family.

2 THE COURT: Do you believe that experience would make it
3 difficult for you to be fair and impartial to both sides in this case?

4 PROSPECTIVE JUROR NO. 1034: No.

5 THE COURT: Have you or close family member ever been
6 the victim of a crime?

7 PROSPECTIVE JUROR NO. 1034: No.

8 THE COURT: Okay. Besides anything you may have already
9 told us, do you have any close relatives or friends who have ever been
10 engaged in law enforcement?

11 PROSPECTIVE JUROR NO. 1034: No.

12 THE COURT: It is anticipated that certain law enforcement
13 officers will testify in this case. Will you give more credibility to their
14 testimony by the mere fact that they are law enforcement officers?

15 PROSPECTIVE JUROR NO. 1034: No.

16 THE COURT: All right. And do you agree that if you are
17 chosen to be -- to serve as a juror in this case, that you will honor your
18 duty to be completely fair and impartial and to listen carefully to all of the
19 evidence?

20 PROSPECTIVE JUROR NO. 1034: I will do my best.

21 THE COURT: Thank you.

22 And sir, you're Badge No. 1043?

23 PROSPECTIVE JUROR NO. 1043: Yes.

24 THE COURT: And could you pronounce your last name for
25 me?

1 PROSPECTIVE JUROR NO. 1043: Bucsit.
2 THE COURT: Thank you, sir. Sir, how long have you lived in
3 Clark County, Nevada?
4 PROSPECTIVE JUROR NO. 1043: 17 years.
5 THE COURT: And how far did you go in school?
6 PROSPECTIVE JUROR NO. 1043: High school.
7 THE COURT: And what is your occupation?
8 PROSPECTIVE JUROR NO. 1043: I work graveyards. I do
9 medical marijuana.
10 THE COURT: Okay. And what is your marital status?
11 PROSPECTIVE JUROR NO. 1043: Single.
12 THE COURT: And do you have any children?
13 PROSPECTIVE JUROR NO. 1043: Yes.
14 THE COURT: And --
15 PROSPECTIVE JUROR NO. 1043: I got three kids.
16 THE COURT: And how old are they, sir?
17 PROSPECTIVE JUROR NO. 1043: 36, 34 and 30.
18 THE COURT: Okay. And what do they do for a living?
19 PROSPECTIVE JUROR NO. 1043: My oldest -- my oldest
20 girl, she been in and out of jail. And my second girl, she's a supervisor
21 for Starbucks. And my youngest son, he's a supervisor for Carl's Jr at
22 the airport.
23 THE COURT: Okay. Have you ever served as a juror before?
24 PROSPECTIVE JUROR NO. 1043: No.
25 THE COURT: Have you ever testified as a witness in a

1 criminal case?

2 PROSPECTIVE JUROR NO. 1043: No.

3 THE COURT: And my next question is, have you or close
4 family member ever been convicted of a crime? You said that your
5 middle child has been in --

6 PROSPECTIVE JUROR NO. 1043: My oldest daughter --

7 THE COURT: All right. Is it your --

8 PROSPECTIVE JUROR NO. 1043: -- and I got cousins --

9 THE COURT: -- oldest -- I'm sorry?

10 PROSPECTIVE JUROR NO. 1043: My oldest daughter and
11 my cousins.

12 THE COURT: Okay. Tell me about your oldest daughter;
13 what has she been convicted of?

14 PROSPECTIVE JUROR NO. 1043: Crystal meth and robbing
15 people.

16 THE COURT: Okay. And was she convicted here in Clark
17 County, Nevada?

18 PROSPECTIVE JUROR NO. 1043: Yes.

19 THE COURT: Okay. And I'm -- don't mean to be insensitive,
20 but is she in custody, in prison? Is the case --

21 PROSPECTIVE JUROR NO. 1043: She just --

22 THE COURT: -- resolved?

23 PROSPECTIVE JUROR NO. 1043: -- got out couple months
24 ago.

25 THE COURT: Okay. So she did --

1 PROSPECTIVE JUROR NO. 1043: Yes. She did her time.
2 THE COURT: She did her time and now she's out?
3 PROSPECTIVE JUROR NO. 1043: Yeah.
4 THE COURT: And what about -- you said you had another
5 relative?
6 PROSPECTIVE JUROR NO. 1043: Yeah. My cousins back
7 home.
8 THE COURT: Where is back home?
9 PROSPECTIVE JUROR NO. 1043: Yes. Armed robbery.
10 THE COURT: Okay.
11 PROSPECTIVE JUROR NO. 1043: Strong arming people,
12 drugs.
13 THE COURT: All right. And where -- where did that -- when
14 did that occur?
15 PROSPECTIVE JUROR NO. 1043: It's in between late '90s
16 and 2000s.
17 THE COURT: All right. Do you believe that that experience
18 would make it more difficult or make it difficult for you to be fair and
19 impartial to both sides in this case?
20 PROSPECTIVE JUROR NO. 1043: No, not really.
21 THE COURT: Okay. And have you or close family member
22 ever been the victim of a crime?
23 PROSPECTIVE JUROR NO. 1043: Yeah. Been robbed
24 couple of times.
25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 1043: Up in Vegas.
2 THE COURT: And --
3 PROSPECTIVE JUROR NO. 1043: And I filed a police report.
4 And that's about it.
5 THE COURT: I'm sorry?
6 PROSPECTIVE JUROR NO. 1043: I filed a police report with
7 that, and that was it. Nothing came back to me, no status.
8 THE COURT: Okay. When you say you were robbed, does
9 that mean somebody took something from you --
10 PROSPECTIVE JUROR NO. 1043: Yeah.
11 THE COURT: -- personally, or did they take something from
12 your house?
13 PROSPECTIVE JUROR NO. 1043: They took something
14 from my house.
15 THE COURT: From your house?
16 PROSPECTIVE JUROR NO. 1043: Yeah. My house got
17 robbed.
18 THE COURT: Okay. Were you home?
19 PROSPECTIVE JUROR NO. 1043: No, I wasn't home.
20 THE COURT: Okay. And you made a police report?
21 PROSPECTIVE JUROR NO. 1043: Yes. I made a police
22 report.
23 THE COURT: Was there anything -- do you believe that
24 experience would make it difficult for you to be fair and impartial to both
25 sides in this case?

1 PROSPECTIVE JUROR NO. 1043: No.

2 THE COURT: Okay. Besides anything you've already told us,
3 do you have any close relatives or friends who have ever been engaged
4 in law enforcement?

5 PROSPECTIVE JUROR NO. 1043: Yes. My cousin just
6 graduated to the Metro police over here, like, two weeks ago, three
7 weeks ago.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 1043: And I have some uncles
10 back home who is law enforcement too.

11 THE COURT: Okay. And do you talk to any of those persons
12 about their job?

13 PROSPECTIVE JUROR NO. 1043: No.

14 THE COURT: All right. It's anticipated that certain law
15 enforcement officers will testify in this case; will you give more credibility
16 to their testimony by the mere fact that they are law enforcement
17 officers?

18 PROSPECTIVE JUROR NO. 1043: No, I don't think so.

19 THE COURT: Okay. Do you agree that if you are chosen to
20 serve as a juror in this case, that you will honor your duty to be
21 completely fair and impartial and to listen carefully to all of the evidence?

22 PROSPECTIVE JUROR NO. 1043: Yes.

23 THE COURT: All right. Sir, if you could pass the microphone.
24 And ma'am, you're Badge No. 1045; is that correct?

25 PROSPECTIVE JUROR NO. 1045: Yes.

1 THE COURT: And is Ms. Johnson?
2 PROSPECTIVE JUROR NO. 1045: Yes.
3 THE COURT: And how long have you lived in Clark County,
4 Nevada?
5 PROSPECTIVE JUROR NO. 1045: 34 years.
6 THE COURT: And how far did you go in school?
7 PROSPECTIVE JUROR NO. 1045: Almost completed a
8 bachelor's degree at UNLV.
9 THE COURT: And what is your occupation?
10 PROSPECTIVE JUROR NO. 1045: I work in customer
11 service.
12 THE COURT: For what --
13 PROSPECTIVE JUROR NO. 1045: At Zappos.com. Zappos.
14 THE COURT: And what is your marital status?
15 PROSPECTIVE JUROR NO. 1045: Divorced.
16 THE COURT: And what was the occupation of your
17 ex-spouse?
18 PROSPECTIVE JUROR NO. 1045: He's in the Navy.
19 THE COURT: And do you have any children?
20 PROSPECTIVE JUROR NO. 1045: Yes.
21 THE COURT: How old are they?
22 PROSPECTIVE JUROR NO. 1045: She's 14.
23 THE COURT: And I assume she goes to school?
24 PROSPECTIVE JUROR NO. 1045: Yes.
25 THE COURT: 14, would -- what be -- middle school?

1 PROSPECTIVE JUROR NO. 1045: No. She's a freshman in
2 high school.

3 THE COURT: High school?

4 PROSPECTIVE JUROR NO. 1045: Yeah.

5 THE COURT: And does she work part time or anything?

6 PROSPECTIVE JUROR NO. 1045: No.

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

8 PROSPECTIVE JUROR NO. 1045: I have not.

9 THE COURT: Have you ever testified as a witness at a
10 criminal case?

11 PROSPECTIVE JUROR NO. 1045: No.

12 THE COURT: Have you or close family member ever been
13 convicted of a crime?

14 PROSPECTIVE JUROR NO. 1045: No.

15 THE COURT: Have you or close family member ever been
16 the victim of a crime?

17 PROSPECTIVE JUROR NO. 1045: Yes.

18 THE COURT: And what was -- who was the victim?

19 PROSPECTIVE JUROR NO. 1045: It was me. It was identity
20 theft.

21 THE COURT: I'm sorry?

22 PROSPECTIVE JUROR NO. 1045: Identity theft.

23 THE COURT: Identity theft?

24 PROSPECTIVE JUROR NO. 1045: Yeah.

25 THE COURT: And was there here in Clark County, Nevada?

1 PROSPECTIVE JUROR NO. 1045: Yes.

2 THE COURT: And when did that occur?

3 PROSPECTIVE JUROR NO. 1045: Like, 10 years ago.

4 THE COURT: Did you report it to law enforcement?

5 PROSPECTIVE JUROR NO. 1045: Yes. I filed a police

6 report with Metro.

7 THE COURT: And were you satisfied with how law

8 enforcement handled it?

9 PROSPECTIVE JUROR NO. 1045: Yeah.

10 THE COURT: Okay. Do you believe that experience would

11 make it difficult for you to be fair and impartial to both sides in this case?

12 PROSPECTIVE JUROR NO. 1045: No.

13 THE COURT: Besides anything you have -- may have

14 already told us, do you have any close relatives or friends who have

15 ever been engaged in law enforcement?

16 PROSPECTIVE JUROR NO. 1045: No.

17 THE COURT: It is anticipated that certain law enforcement

18 officers will testify in this case; will you give more credibility to their

19 testimony by the mere fact that they are law enforcement officers?

20 PROSPECTIVE JUROR NO. 1045: No.

21 THE COURT: Do you agree that if you are chosen to serve as

22 a juror in this case, that you will honor your duty to be completely fair

23 and impartial and to listen carefully to all of the evidence in this case?

24 PROSPECTIVE JUROR NO. 1045: Yes.

25 THE COURT: Ma'am, if you could pass the microphone,

1 please?

2 And, ma'am, you are Badge No. 1048?

3 PROSPECTIVE JUROR NO. 1048: Correct.

4 THE COURT: I'm going to take a stab at your name.

5 PROSPECTIVE JUROR NO. 1048: You got it --

6 THE COURT: Ms. Iaconi.

7 PROSPECTIVE JUROR NO. 1048: You got it right, three
8 times.

9 THE COURT: And how long have you lived in Clark County,
10 Nevada?

11 PROSPECTIVE JUROR NO. 1048: 25 years.

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

13 PROSPECTIVE JUROR NO. 1048: Two years college, plus
14 continuing ed to broker -- brokerage in real estate.

15 THE COURT: All right. And what is your occupation?

16 PROSPECTIVE JUROR NO. 1048: Real estate.

17 THE COURT: And what is your marital status?

18 PROSPECTIVE JUROR NO. 1048: Married.

19 THE COURT: And what is the occupation of your spouse?

20 PROSPECTIVE JUROR NO. 1048: He is health and safety in
21 an oil rig.

22 THE COURT: Does he work here in Clark County, Nevada?

23 PROSPECTIVE JUROR NO. 1048: He travels.

24 THE COURT: He travels?

25 PROSPECTIVE JUROR NO. 1048: He works here two weeks

1 and away two weeks.

2 THE COURT: All right. And do you have any children?

3 PROSPECTIVE JUROR NO. 1048: I do. Two --

4 THE COURT: How old are they?

5 PROSPECTIVE JUROR NO. 1048: -- girls.

6 THE COURT: I'm sorry?

7 PROSPECTIVE JUROR NO. 1048: Two girls.

8 THE COURT: And how old are they?

9 PROSPECTIVE JUROR NO. 1048: 35 and 34.

10 THE COURT: And what are your children's occupations?

11 PROSPECTIVE JUROR NO. 1048: My oldest daughter has
12 her own business. She's an aesthetician, does skin care. And my
13 youngest daughter has a degree in criminal justice, but she is a
14 stay-at-home mom right now raising six little boys.

15 THE COURT: Oh, that's a full-time occupation.

16 PROSPECTIVE JUROR NO. 1048: Yes, with help from me.

17 THE COURT: And have you ever served as a juror before?

18 PROSPECTIVE JUROR NO. 1048: No.

19 THE COURT: Have you ever testified as a witness in a
20 criminal case?

21 PROSPECTIVE JUROR NO. 1048: No.

22 THE COURT: Have you or close family member ever been
23 convicted of a crime?

24 PROSPECTIVE JUROR NO. 1048: No.

25 THE COURT: Have you or close family member ever been

1 the victim of a crime?

2 PROSPECTIVE JUROR NO. 1048: Yes.

3 THE COURT: And could you explain?

4 PROSPECTIVE JUROR NO. 1048: Several. I had my purse
5 stolen and my daughter's purse stolen from our car while it was in our
6 garage and --

7 THE COURT: And when was that?

8 PROSPECTIVE JUROR NO. 1048: That was actually
9 about 20 years ago.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 1048: My daughter's identity --
12 we found out that her purse was stolen -- her identify was taken and we
13 learned that when she tried to get a bank account as an 18-year-old. My
14 things were retrieved and restitution was whatever they charged on my
15 card and we got that when they went to get their driver's license --

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 1048: -- after they left jail.

18 THE COURT: And any other instances where you were a
19 victim?

20 PROSPECTIVE JUROR NO. 1048: Yes, sir. My -- my
21 nephew was killed.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 1048: By a friend.

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

25 PROSPECTIVE JUROR NO. 1048: It was not.

1 THE COURT: Okay. Do you believe those experiences
2 would make it difficult for you to be fair and impartial to both sides in this
3 case?

4 PROSPECTIVE JUROR NO. 1048: No.

5 THE COURT: Besides anything you have already told us, do
6 you have any close relatives or friends who have ever been engaged in
7 law enforcement?

8 PROSPECTIVE JUROR NO. 1048: My nephew is a police
9 officer in Pennsylvania.

10 THE COURT: Okay. And do you talk that person about his
11 job?

12 PROSPECTIVE JUROR NO. 1048: Not frequently.

13 THE COURT: Okay. When you did talk to him, what were the
14 kinds of things you talked about?

15 PROSPECTIVE JUROR NO. 1048: Congratulations on his
16 wedding and new baby.

17 THE COURT: Okay. So you really didn't talk about his job?

18 PROSPECTIVE JUROR NO. 1048: No.

19 THE COURT: All right. It is anticipated that certain law
20 enforcement officers will testify in this case; will you give more credibility
21 to their testimony by the mere fact that they are law enforcement
22 officers?

23 PROSPECTIVE JUROR NO. 1048: It's hard to not say yes to
24 that.

25 THE COURT: Okay. But it --

1 PROSPECTIVE JUROR NO. 1048: But I think the facts speak
2 for themselves.

3 THE COURT: Well, there's going to be various witnesses who
4 are going to testify in this case. And are you willing to wait until all the
5 witnesses testify before you determine credibility as to the witnesses?

6 PROSPECTIVE JUROR NO. 1048: Absolutely.

7 THE COURT: All right. Do you agree that if you are chosen
8 to serve as a juror in this case that you will honor your duty to be
9 completely fair and impartial and to listen carefully to all of the evidence?

10 PROSPECTIVE JUROR NO. 1048: Yes, sir.

11 THE COURT: All right. If you could pass the microphone,
12 please.

13 And, ma'am, you're Badge No. 1053?

14 PROSPECTIVE JUROR NO. 1053: Yes, it is.

15 THE COURT: And is it Ms. Morales?

16 PROSPECTIVE JUROR NO. 1053: Yes.

17 THE COURT: How long have you lived in Clark County,
18 Nevada?

19 PROSPECTIVE JUROR NO. 1053: 20 years.

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

21 PROSPECTIVE JUROR NO. 1053: A little bit of college.

22 THE COURT: And what is your occupation?

23 PROSPECTIVE JUROR NO. 1053: An admin assistant.

24 THE COURT: And are you employed?

25 PROSPECTIVE JUROR NO. 1053: Yes. An admin assistant,

1 uh-huh.

2 THE COURT: Oh, for what company?

3 PROSPECTIVE JUROR NO. 1053: MGM Resorts.

4 THE COURT: All right. And what is your marital status?

5 PROSPECTIVE JUROR NO. 1053: Married.

6 THE COURT: And what is the occupation of your spouse?

7 PROSPECTIVE JUROR NO. 1053: He's an electronic tech.

8 THE COURT: Is that here in Clark County, Nevada?

9 PROSPECTIVE JUROR NO. 1053: Yes.

10 THE COURT: And what company does he work for?

11 PROSPECTIVE JUROR NO. 1053: Integrated Biomedical.

12 He fixes hospital equipment.

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

14 PROSPECTIVE JUROR NO. 1053: Yes.

15 THE COURT: How old are they?

16 PROSPECTIVE JUROR NO. 1053: 32 and 29.

17 THE COURT: Okay. And what do they do for a living?

18 PROSPECTIVE JUROR NO. 1053: One is a general
19 manager for a hotel in California. And the other is -- she's a beautician.

20 THE COURT: Is that here in Clark County or --

21 PROSPECTIVE JUROR NO. 1053: Yes. Uh-huh.

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

23 PROSPECTIVE JUROR NO. 1053: No.

24 THE COURT: Have you ever testified as a witness in a
25 criminal case?

1 PROSPECTIVE JUROR NO. 1053: No.

2 THE COURT: Have you or close family member ever been
3 convicted of a crime?

4 PROSPECTIVE JUROR NO. 1053: No.

5 THE COURT: Have you or close family member ever been
6 the victim of a crime?

7 PROSPECTIVE JUROR NO. 1053: No. Uh-uh.

8 THE COURT: All right. Besides anything you may have
9 already told us, do you have any close relatives or friends who have
10 ever been engaged in law enforcement?

11 PROSPECTIVE JUROR NO. 1053: No.

12 THE COURT: It is anticipated that certain law enforcement
13 officers will testify in this case; will you give more credibility to their
14 testimony by the mere fact that they are law enforcement officers?

15 PROSPECTIVE JUROR NO. 1053: No. Uh-uh.

16 THE COURT: And do you agree that if you are chosen to
17 serve as a juror in this case, that you will honor your duty to be
18 completely fair and impartial and to listen carefully to all of the evidence?

19 PROSPECTIVE JUROR NO. 1053: Yes. Uh-huh.

20 THE COURT: Okay.

21 Sir, you are Badge No. 1058 -- I'm sorry, ma'am. I got blocked
22 out. I apologize.

23 PROSPECTIVE JUROR NO. 1058: Yes, 1058.

24 THE COURT: And it's Ms. Perez?

25 PROSPECTIVE JUROR NO. 1058: Yes.

1 THE COURT: Okay. And how long have you lived in Clark
2 County, Nevada?

3 PROSPECTIVE JUROR NO. 1058: 25 years.

4 THE COURT: And how far did you go in school?

5 PROSPECTIVE JUROR NO. 1058: Two years of college.

6 THE COURT: And what is your occupation?

7 PROSPECTIVE JUROR NO. 1058: I'm a family services
8 specialist for the State of Nevada, and I also run a nonprofit for the
9 homeless.

10 THE COURT: And what is your marital status?

11 PROSPECTIVE JUROR NO. 1058: I'm widowed. My
12 husband passed away.

13 THE COURT: Okay. And I'm sorry to hear that. Was it
14 recent?

15 PROSPECTIVE JUROR NO. 1058: A year and a half ago.

16 THE COURT: All right. And what did your husband do before
17 he passed away?

18 PROSPECTIVE JUROR NO. 1058: He worked for the City of
19 Oxnard. He was a City inspector. We met later in life and he moved
20 here so that we could get married.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 1058: He retired.

23 THE COURT: He was retired when he passed away?

24 PROSPECTIVE JUROR NO. 1058: Yes.

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

1 PROSPECTIVE JUROR NO. 1058: I do not.
2 THE COURT: Okay. Have you ever served as a juror before?
3 PROSPECTIVE JUROR NO. 1058: No.
4 THE COURT: Have you ever testified as a witness in a
5 criminal matter?
6 PROSPECTIVE JUROR NO. 1058: No.
7 THE COURT: Have you or a close family member ever been
8 convicted of a crime?
9 PROSPECTIVE JUROR NO. 1058: I have a nephew in
10 Arizona that's been in and out of jail. We're not close. I don't know -- I --
11 I could find out, but I really don't know what for.
12 THE COURT: Okay. Well, you said you're not close?
13 PROSPECTIVE JUROR NO. 1058: No.
14 THE COURT: All right. And do you believe that experience
15 would make it difficult for you to be fair and impartial to both sides in this
16 case?
17 PROSPECTIVE JUROR NO. 1058: Yeah. I could be fair and
18 impartial.
19 THE COURT: You could be fair and impartial to both sides?
20 PROSPECTIVE JUROR NO. 1058: Yes.
21 THE COURT: Okay. Have you ever -- have you or close
22 family member ever been the victim of a crime?
23 PROSPECTIVE JUROR NO. 1058: Yes. I had my house
24 burglarized here in Nevada.
25 THE COURT: Were you home at the time?

1 PROSPECTIVE JUROR NO. 1058: No, no. I was at work.
2 THE COURT: Okay. Did you report it to law enforcement?
3 PROSPECTIVE JUROR NO. 1058: Yes, to Metro.
4 THE COURT: And did they investigate?
5 PROSPECTIVE JUROR NO. 1058: They did.
6 THE COURT: And were you satisfied how Metro handled it?
7 PROSPECTIVE JUROR NO. 1058: Yes. They found out who
8 did it, but I never got my stuff back.
9 THE COURT: And do you believe that experience would
10 make it difficult for you to be fair and impartial to both sides in this case?
11 PROSPECTIVE JUROR NO. 1058: No.
12 THE COURT: And is that the only time you've been a victim?
13 PROSPECTIVE JUROR NO. 1058: Identity theft too --
14 THE COURT: Oh.
15 PROSPECTIVE JUROR NO. 1058: -- here in Nevada.
16 THE COURT: And when did that occur?
17 PROSPECTIVE JUROR NO. 1058: About probably 2005, I
18 think.
19 THE COURT: Okay. Did you report that to Metro?
20 PROSPECTIVE JUROR NO. 1058: I did.
21 THE COURT: And were you satisfied with how they handled
22 it?
23 PROSPECTIVE JUROR NO. 1058: Yes.
24 THE COURT: All right. And do you believe that experience
25 would make it difficult for you to be fair and impartial to both sides?

1 PROSPECTIVE JUROR NO. 1058: No.

2 THE COURT: Besides anything you may have already told
3 us, do you have any close relatives or friends who have ever been
4 engaged in law enforcement?

5 PROSPECTIVE JUROR NO. 1058: Yes. My brother is a
6 retired police officer from Arizona.

7 THE COURT: And do you ever speak about -- with him about
8 his work?

9 PROSPECTIVE JUROR NO. 1058: No.

10 THE COURT: Okay. So does your knowledge about this
11 person's job affect your ability to be fair and impartial in this case?

12 PROSPECTIVE JUROR NO. 1058: No.

13 THE COURT: It is anticipated that certain law enforcement
14 officers will testify in this case; will you be -- will you give more credibility
15 to their testimony by the mere fact that they are law enforcement
16 officers?

17 PROSPECTIVE JUROR NO. 1058: No.

18 THE COURT: Do you agree that if you are chosen to serve as
19 a juror in this case, that you will honor your duty to be completely fair
20 and impartial and to listen carefully to all of the evidence?

21 PROSPECTIVE JUROR NO. 1058: Yes.

22 THE COURT: Could you pass the microphone, please?

23 Sir, you're Badge No. 1063?

24 PROSPECTIVE JUROR NO. 1063: Yes.

25 THE COURT: And it's Mr. Lopez?

1 PROSPECTIVE JUROR NO. 1063: Yes.
2 THE COURT: Sir, how long have you lived in Clark County,
3 Nevada?
4 PROSPECTIVE JUROR NO. 1063: 29 years.
5 THE COURT: And how far did you go in school? How far did
6 you go in school?
7 PROSPECTIVE JUROR NO. 1063: No school, sir.
8 THE COURT: No school?
9 PROSPECTIVE JUROR NO. 1063: No.
10 THE COURT: Okay.
11 PROSPECTIVE JUROR NO. 1063: I don't -- I -- I keep
12 working all the time my life. No school.
13 THE COURT: So you worked all --
14 PROSPECTIVE JUROR NO. 1063: Just work hard. That's
15 all.
16 THE COURT: Okay.
17 PROSPECTIVE JUROR NO. 1063: No school.
18 THE COURT: What do you do for a living, sir?
19 PROSPECTIVE JUROR NO. 1063: Well, I --
20 THE COURT: What do you do for a living?
21 PROSPECTIVE JUROR NO. 1063: Now?
22 THE COURT: Now.
23 PROSPECTIVE JUROR NO. 1063: Yeah. I work for Bally's.
24 THE COURT: And what do you do at Bally's?
25 PROSPECTIVE JUROR NO. 1063: Convention porter.

1 THE COURT: And, sir, are you married?
2 PROSPECTIVE JUROR NO. 1063: Married, sir.
3 THE COURT: And what does your wife do for a living?
4 PROSPECTIVE JUROR NO. 1063: Pardon me.
5 THE COURT: What does your wife do for a living?
6 PROSPECTIVE JUROR NO. 1063: Oh, as a worker?
7 THE COURT: Right.
8 PROSPECTIVE JUROR NO. 1063: Yeah, in Excalibur.
9 THE COURT: She works at the Excalibur?
10 PROSPECTIVE JUROR NO. 1063: She's work in Excalibur.
11 THE COURT: And what does she do at the Excalibur?
12 PROSPECTIVE JUROR NO. 1063: Maid.
13 THE COURT: Okay. Do you have any children, sir?
14 PROSPECTIVE JUROR NO. 1063: Two. Two daughters.
15 THE COURT: And how old are they?
16 PROSPECTIVE JUROR NO. 1063: I think 35 and 29.
17 THE COURT: And what do they do for a living? What do your
18 two daughters do for a living?
19 PROSPECTIVE JUROR NO. 1063: Huh?
20 THE COURT: What do your two daughters do for a living?
21 PROSPECTIVE JUROR NO. 1063: Yeah. They --
22 THE COURT: You said you had two daughters?
23 PROSPECTIVE JUROR NO. 1063: Yeah. Two daughters.
24 THE COURT: Do they work?
25 PROSPECTIVE JUROR NO. 1063: Yeah. Oh, work. They

1 work. Okay. I'm sorry. I was, you know, confuse.

2 THE COURT: Okay. That's fine. Do they work?

3 PROSPECTIVE JUROR NO. 1063: Yeah. They work for
4 doctors.

5 THE COURT: I'm sorry?

6 PROSPECTIVE JUROR NO. 1063: They work for doctors, for
7 doctors.

8 THE COURT: They work for --

9 PROSPECTIVE JUROR NO. 1063: But I -- I -- they -- I don't
10 know how, like, they -- they call the name. But they do -- every people
11 call for -- yeah, doctor -- working for doctor.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 1063: Both. Patient --

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

16 PROSPECTIVE JUROR NO. 1063: No.

17 THE COURT: All right. Have you ever testified as a witness
18 in a criminal case?

19 PROSPECTIVE JUROR NO. 1063: No.

20 THE COURT: Have you or a close family member ever been
21 convicted of a crime? Convicted of a crime?

22 PROSPECTIVE JUROR NO. 1063: Oh, I was here one time
23 before. The second time I be here.

24 THE COURT: Okay. So this is the second time you've been
25 a juror?

1 PROSPECTIVE JUROR NO. 1063: Well, I don't know. But I
2 just remember I come in, I think it's this room. I don't know. I forget, I
3 mean, sir.

4 THE COURT: Okay. Were you actually picked as a juror to
5 sit through a jury trial?

6 PROSPECTIVE JUROR NO. 1063: Yeah, yeah.

7 THE COURT: You sat through a jury trial?

8 PROSPECTIVE JUROR NO. 1063: No. Well, I -- you know, I
9 was here. But yeah, I was -- I was here two times, but today. So I don't
10 know.

11 THE COURT: Okay. And when --

12 PROSPECTIVE JUROR NO. 1063: Before.

13 THE COURT: -- you were here before --

14 PROSPECTIVE JUROR NO. 1063: Four years ago.

15 THE COURT: Did you -- did you get picked?

16 PROSPECTIVE JUROR NO. 1063: Huh?

17 THE COURT: Did you get picked to serve on the jury?

18 PROSPECTIVE JUROR NO. 1063: Well, I don't know but I --
19 I remember, I was --

20 THE COURT: Did you remember coming back for several
21 days and sitting in the jury box and listening to --

22 PROSPECTIVE JUROR NO. 1063: Yeah, yeah --

23 THE COURT: -- people testify?

24 PROSPECTIVE JUROR NO. 1063: Yeah, yeah, yeah. Right.

25 THE COURT: Okay. Okay. My question, though, was has

1 any -- have you or close family member ever been convicted of a crime?
2 Have anybody that you know that's close to you been convicted of a
3 crime, charged with a crime and convicted?

4 PROSPECTIVE JUROR NO. 1063: I have a nephew was in
5 a -- in a -- in the jail.

6 THE COURT: Okay. Was that here in Clark County,
7 Nevada? Was that here in Clark County, Nevada?

8 PROSPECTIVE JUROR NO. 1063: In here, yeah. Nevada.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 1063: Yeah.

11 THE COURT: Do you believe that experience would make it
12 difficult for you to be fair and impartial to both sides in this case? The
13 fact that your niece was convicted, would that make it difficult for you to
14 be fair and impartial to both sides in this case?

15 PROSPECTIVE JUROR NO. 1063: No.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 1063: I don't know really, sir.
18 You know, the -- oh, okay. Maybe I -- what I understand is they -- they
19 was -- but because she -- she -- he was try to -- what he was girlfriend
20 was living together was [indiscernible].

21 THE COURT: Okay. But can you be fair and impartial to both
22 sides?

23 PROSPECTIVE JUROR NO. 1063: No.

24 THE COURT: Do you understand what the word impartial
25 means?

1 PROSPECTIVE JUROR NO. 1063: No. He --
2 THE COURT: You don't know what the word --
3 PROSPECTIVE JUROR NO. 1063: He didn't live with me, no.
4 I don't understand.
5 THE COURT: You don't know what the word impartial
6 means?
7 PROSPECTIVE JUROR NO. 1063: No, no.
8 THE COURT: Okay. And I think --
9 PROSPECTIVE JUROR NO. 1063: Sorry.
10 THE COURT: -- you previously told me that your -- is your
11 native language Spanish?
12 PROSPECTIVE JUROR NO. 1063: Oh, my language -- yeah.
13 Spanish, right.
14 THE COURT: And your second language is English?
15 PROSPECTIVE JUROR NO. 1063: Yes.
16 THE COURT: Okay. And are you having difficulty
17 understanding some of the words I'm using?
18 PROSPECTIVE JUROR NO. 1063: No. I don't --
19 THE COURT: You understand every word I'm saying to you?
20 PROSPECTIVE JUROR NO. 1063: No, no. Some okay.
21 Some no.
22 THE COURT: Okay. If you don't understand something, you
23 need to let me know. Okay?
24 PROSPECTIVE JUROR NO. 1063: Okay.
25 THE COURT: All right. Besides anything you've already told

1 us, do you have any close relatives or friends who have ever been
2 engaged in law enforcement?

3 PROSPECTIVE JUROR NO. 1063: I don't -- I don't
4 understand.

5 THE COURT: Do you have any friends that are --

6 PROSPECTIVE JUROR NO. 1063: I don't --

7 THE COURT: -- police officers? Do you have any -- anybody
8 you know that's a police officer?

9 PROSPECTIVE JUROR NO. 1063: Was what?

10 THE COURT: A police officer. Do you know what a police --

11 PROSPECTIVE JUROR NO. 1063: Oh, no, no. No, I don't.
12 Police officer, no. No, no.

13 THE COURT: Okay. Isn't this -- shucks. It is anticipated that
14 certain law enforcement officers will testify in this case. Will you give
15 more credibility to their testimony by the mere fact that they are law
16 enforcement officers? Do you understand that question, sir?

17 PROSPECTIVE JUROR NO. 1063: I -- no.

18 THE COURT: Okay. Do you agree that if you are chosen to
19 serve as a juror in this case, that you will honor your duty to be
20 completely fair and impartial, to listen carefully to all of the evidence?
21 Did you understand that question?

22 PROSPECTIVE JUROR NO. 1063: No. It's too long. I
23 don't --

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 1063: Sorry.

1 THE COURT: That's okay. Could you pass the microphone --
2 PROSPECTIVE JUROR NO. 1063: Yeah.
3 THE COURT: -- to the gentleman next to you.
4 Sir, your badge is No. 1082?
5 PROSPECTIVE JUROR NO. 1082: Yes.
6 THE COURT: And you're Mr. Sanders?
7 PROSPECTIVE JUROR NO. 1082: Yes.
8 THE COURT: How long have you lived in Clark County,
9 Nevada?
10 PROSPECTIVE JUROR NO. 1082: 20 -- 20 years.
11 THE COURT: Okay. And how far did you go in school?
12 PROSPECTIVE JUROR NO. 1082: I am currently in college.
13 THE COURT: And which college?
14 PROSPECTIVE JUROR NO. 1082: CSN.
15 THE COURT: And what is your occupation?
16 PROSPECTIVE JUROR NO. 1082: I work --
17 THE COURT: Do you work part-time?
18 PROSPECTIVE JUROR NO. 1082: I work full time at an
19 accounting firm.
20 THE COURT: And what is name of that firm?
21 PROSPECTIVE JUROR NO. 1082: It's Udall CPA.
22 THE COURT: Okay. Are you married?
23 PROSPECTIVE JUROR NO. 1082: I am not.
24 THE COURT: Do you have any children?
25 PROSPECTIVE JUROR NO. 1082: No.

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

2 PROSPECTIVE JUROR NO. 1082: No.

3 THE COURT: Have you ever testified as a witness in a
4 criminal case?

5 PROSPECTIVE JUROR NO. 1082: Nope.

6 THE COURT: Have you or close family member ever been
7 convicted of a crime?

8 PROSPECTIVE JUROR NO. 1082: No.

9 THE COURT: Have you or close family member ever been
10 the victim of a crime?

11 PROSPECTIVE JUROR NO. 1082: Yes.

12 THE COURT: And who?

13 PROSPECTIVE JUROR NO. 1082: So my sister, I think it's
14 under investigation right now, but she's involved with a sexual
15 harassment at school.

16 THE COURT: Okay. So your sister is the victim of sexual
17 harassment that's currently under investigation?

18 PROSPECTIVE JUROR NO. 1082: Yes.

19 THE COURT: And who's the law enforcement agency
20 investigating?

21 PROSPECTIVE JUROR NO. 1082: It's Henderson PD, I
22 believe.

23 THE COURT: Okay. And do you believe that experience with
24 your sister would make it difficult for you to be fair and impartial to both
25 sides in this case?

1 PROSPECTIVE JUROR NO. 1082: No.

2 THE COURT: Besides anything you may have already told
3 us, do you have any close relatives or close friends who have ever been
4 engaged in law enforcement?

5 PROSPECTIVE JUROR NO. 1082: Yes.

6 THE COURT: And who is that, sir?

7 PROSPECTIVE JUROR NO. 1082: So I've got -- there's
8 actually two family friends at -- my family has. And we all get together
9 actually on Monday nights and have dinner with all the family.

10 THE COURT: Okay. And do you talk to them about their job?

11 PROSPECTIVE JUROR NO. 1082: Yes.

12 THE COURT: And what do you talk about?

13 PROSPECTIVE JUROR NO. 1082: So usually they'll talk
14 about cases and stuff that's gone on at work. And then I've also talked
15 about going on a ride-along, because becoming a police officer was
16 something I -- I don't know if I'm so much looking into it now, but it's
17 something that I wanted to do. It's just these days it seems like an
18 accountant is a safer job than being a police officer.

19 THE COURT: Okay. But it's something that you thought
20 about doing?

21 PROSPECTIVE JUROR NO. 1082: Yeah.

22 THE COURT: All right. As to your friends, do you believe
23 your knowledge about these persons' job affects your ability to be fair
24 and impartial in this case?

25 PROSPECTIVE JUROR NO. 1082: I want to say no, but -- so

1 I've lived in Alabama for a couple of years. And the police officers I met
2 there, I know that there's definitely cops out there that aren't as good as
3 they should be, but the police officers that I've met in Clark County, I've
4 never met a bad police officer. So --

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 1082: -- I want to say I won't be
7 partial to one or the other, but from my --

8 THE COURT: Well, who would you be -- if you -- you're kind
9 of hesitating here. You're straddling the fence.

10 PROSPECTIVE JUROR NO. 1082: Yeah.

11 THE COURT: If you were going to be impartial -- or if you're
12 going to be partial, would you be partial towards a police officer or
13 against the police officer?

14 PROSPECTIVE JUROR NO. 1082: Towards the police
15 officer.

16 THE COURT: All right. You understand it is anticipated that
17 certain law enforcement officers will testify in this case; will you give
18 more credibility to their testimony by the mere fact that they are law
19 enforcement officers?

20 PROSPECTIVE JUROR NO. 1082: Yes. But I won't just be --

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 1082: It -- if what they say is not
23 necessarily going to be what I believe. If there's stuff going against it,
24 I'm not just going to be a blind follower.

25 THE COURT: Okay. So you're willing to listen to the

1 testimony of all the witnesses in this case before you make a
2 determination of credibility; is that correct?

3 PROSPECTIVE JUROR NO. 1082: Yes.

4 THE COURT: So do you agree that if you are chosen to serve
5 as a juror in this case, that you will honor your duty to be completely fair
6 and impartial and to listen carefully to all of the evidence in this case?

7 PROSPECTIVE JUROR NO. 1082: Yes.

8 THE COURT: Sir, if you can pass the microphone.

9 And, ma'am, your badge number is 1083?

10 PROSPECTIVE JUROR NO. 1083: Yes, Your Honor.

11 THE COURT: And is it Ms. Ocampo?

12 PROSPECTIVE JUROR NO. 1083: Yes, Your Honor.

13 THE COURT: And, ma'am, how long have you lived in Clark
14 County, Nevada?

15 PROSPECTIVE JUROR NO. 1083: Eight years.

16 THE COURT: And how far did you go in school?

17 PROSPECTIVE JUROR NO. 1083: BS in accounting.

18 THE COURT: And what is your occupation?

19 PROSPECTIVE JUROR NO. 1083: Retired.

20 THE COURT: And before you retired, what did you do for a
21 living?

22 PROSPECTIVE JUROR NO. 1083: I work in the Department
23 of Housing, Litigation Bureau.

24 THE COURT: And are you married?

25 PROSPECTIVE JUROR NO. 1083: Yes.

1 THE COURT: And what does your spouse do for a living?
2 PROSPECTIVE JUROR NO. 1083: He works at Lenox Hill
3 Hospital in medical records.
4 THE COURT: Okay. Do you have any children?
5 PROSPECTIVE JUROR NO. 1083: I --
6 THE COURT: Do you have any children?
7 PROSPECTIVE JUROR NO. 1083: No.
8 THE COURT: Have you ever served as a juror before?
9 PROSPECTIVE JUROR NO. 1083: No.
10 THE COURT: Have you ever testified as a witness in a
11 criminal case?
12 PROSPECTIVE JUROR NO. 1083: No.
13 THE COURT: Have you or close family member ever been
14 convicted of a crime?
15 PROSPECTIVE JUROR NO. 1083: No.
16 THE COURT: Have you or close family member ever been
17 the victim of a crime?
18 PROSPECTIVE JUROR NO. 1083: No.
19 THE COURT: Besides anything you may have already told
20 us, do you have any close relatives or friends who have ever been
21 engaged in law enforcement?
22 PROSPECTIVE JUROR NO. 1083: No.
23 THE COURT: It is anticipated that certain law enforcement
24 officers will testify in this case; will you give more credibility to their
25 testimony by the mere fact that they are law enforcement officers?

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PROSPECTIVE JUROR NO. 1083: No.

THE COURT: And do you agree that if you are chosen to serve as a juror in this case, that you will honor your duty to be completely fair and impartial and to listen carefully to all of the evidence?

PROSPECTIVE JUROR NO. 1083: Yes, Your Honor.

THE COURT: Thank you, ma'am. If you could pass the microphone, please.

And, ma'am, you're Badge No. 1086?

PROSPECTIVE JUROR NO. 1086: Yes.

THE COURT: And it's Ms. Lunt?

PROSPECTIVE JUROR NO. 1086: Yep.

THE COURT: And how -- how long have you lived in Clark County, Nevada?

PROSPECTIVE JUROR NO. 1086: Since 2008.

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

PROSPECTIVE JUROR NO. 1086: Bachelor's in dental hygiene.

THE COURT: And what is your occupation?

PROSPECTIVE JUROR NO. 1086: I'm a dental hygienist.

THE COURT: And who do you work for?

PROSPECTIVE JUROR NO. 1086: Kruyer Dental.

THE COURT: Okay. And what is your marital status?

PROSPECTIVE JUROR NO. 1086: Married.

THE COURT: And what is the occupation of your spouse?

PROSPECTIVE JUROR NO. 1086: Attorney.

1 THE COURT: And what is the -- his name?
2 PROSPECTIVE JUROR NO. 1086: Ryan Lunt.
3 THE COURT: Okay. And do you have any children?
4 PROSPECTIVE JUROR NO. 1086: Yes.
5 THE COURT: And how old are they?
6 PROSPECTIVE JUROR NO. 1086: I have four. My oldest
7 is 12, 9, and then 7-year-old twins.
8 THE COURT: And they're in school?
9 PROSPECTIVE JUROR NO. 1086: Yes, they are.
10 THE COURT: All right. Have you ever served as a juror
11 before?
12 PROSPECTIVE JUROR NO. 1086: I have not.
13 THE COURT: Have you ever testified as a witness at a
14 criminal case?
15 PROSPECTIVE JUROR NO. 1086: No.
16 THE COURT: Have you or close family member ever been
17 convicted of a crime?
18 PROSPECTIVE JUROR NO. 1086: Yes.
19 THE COURT: And could you explain, please?
20 PROSPECTIVE JUROR NO. 1086: I have two
21 brother-in-laws, both have been convicted of drug charges. One for
22 dealing, I think one for using.
23 THE COURT: And was that here in Clark County, Nevada?
24 PROSPECTIVE JUROR NO. 1086: No. That was in Utah.
25 THE COURT: And do you believe that experience would

1 make it difficult for your to be fair and impartial to both sides in this
2 case?

3 PROSPECTIVE JUROR NO. 1086: No.

4 THE COURT: Have you or close family member ever been
5 the victim of a crime?

6 PROSPECTIVE JUROR NO. 1086: No.

7 THE COURT: Besides anything you may have already told
8 us, do you have any close relatives or friends who have ever been
9 engaged in law enforcement?

10 PROSPECTIVE JUROR NO. 1086: We have some church
11 friends here that are police officers. And I have a handful of patients that
12 are officers. So.

13 THE COURT: Okay. And do you ever talk with those persons
14 about their job?

15 PROSPECTIVE JUROR NO. 1086: Yeah. The people I
16 work -- my patients, it's a good conversation goer. So we talk about
17 schedules, work -- where they're working. They like -- they know that I
18 like to hear fun stories, so --

19 THE COURT: So sometimes they tell you stuff that
20 happens --

21 PROSPECTIVE JUROR NO. 1086: Yeah.

22 THE COURT: -- during the course of their day?

23 PROSPECTIVE JUROR NO. 1086: At their job, yeah.

24 THE COURT: Okay. Their job. Does your knowledge about
25 this person's job affect your ability to be fair and impartial in this case?

1 PROSPECTIVE JUROR NO. 1086: No, I don't think so.

2 THE COURT: All right. It is anticipated that certain law
3 enforcement officers will testify in this case; will you give more credibility
4 to their testimony by the mere fact that they are law enforcement
5 officers?

6 PROSPECTIVE JUROR NO. 1086: It depends on, like the
7 other people were saying, the evidence. But if it's a he said/she said,
8 honestly, I'd have to lean towards the officer. But that --

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 1086: -- doesn't mean I'm not
11 willing to hear --

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 1086: -- everything. But if it's
14 my word against your word, honestly, I would tend to lean towards the
15 officer.

16 THE COURT: Okay. Are you willing to listen to all the
17 witnesses testify in this case --

18 PROSPECTIVE JUROR NO. 1086: Yes.

19 THE COURT: -- and all the evidence before you make a
20 determination of credibility in this matter?

21 PROSPECTIVE JUROR NO. 1086: Yes.

22 THE COURT: And do you agree that if you are chosen to
23 serve as a juror in this case, that you will honor your duty to be
24 completely fair and impartial and to listen carefully to all of the evidence
25 in the case?

1 PROSPECTIVE JUROR NO. 1086: Yes.
2 THE COURT: Okay. If you can pass the microphone, please.
3 And you're Badge No. 1089?
4 PROSPECTIVE JUROR NO. 1089: Yes.
5 THE COURT: And is it Ms. Penrod?
6 PROSPECTIVE JUROR NO. 1089: Yes.
7 THE COURT: Okay. And how long have you lived in Clark
8 County, Nevada?
9 PROSPECTIVE JUROR NO. 1089: 65 years.
10 THE COURT: And how far did you go in school?
11 PROSPECTIVE JUROR NO. 1089: I did a GED and some
12 college courses.
13 THE COURT: And what is your occupation?
14 PROSPECTIVE JUROR NO. 1089: I'm retired.
15 THE COURT: I'm sorry?
16 PROSPECTIVE JUROR NO. 1089: Retired.
17 THE COURT: And before you retired, what did you do for a
18 living?
19 PROSPECTIVE JUROR NO. 1089: I worked 36 years at NV
20 Energy. I was a training consultant.
21 THE COURT: All right. And what is your marital status?
22 PROSPECTIVE JUROR NO. 1089: Widow.
23 THE COURT: And before your husband passed away, what
24 did he do for a living?
25 PROSPECTIVE JUROR NO. 1089: He was in construction.

1 THE COURT: Okay. And do you have any children?
2 PROSPECTIVE JUROR NO. 1089: One.
3 THE COURT: And how old is your child?
4 PROSPECTIVE JUROR NO. 1089: He's 41. He works for
5 Las Vegas Valley Water District.
6 THE COURT: Okay. Have you ever served as a juror?
7 PROSPECTIVE JUROR NO. 1089: No.
8 THE COURT: Have you ever testified as a witness in a
9 criminal case?
10 PROSPECTIVE JUROR NO. 1089: No.
11 THE COURT: Have you or close family member ever been
12 convicted of a crime?
13 PROSPECTIVE JUROR NO. 1089: No. But after my
14 husband passed away in '92, I found out that he did some time in
15 Chicago.
16 THE COURT: All right. Do you believe that experience would
17 make it difficult for you to be fair and impartial to both sides in this case?
18 PROSPECTIVE JUROR NO. 1089: No.
19 THE COURT: Have you or close family member ever been
20 the victim of a crime?
21 PROSPECTIVE JUROR NO. 1089: Yes.
22 THE COURT: And could you explain, please?
23 PROSPECTIVE JUROR NO. 1089: My son had his truck
24 stolen from Las Vegas Valley Water District parking lot. And I -- my
25 home was almost burglarized.

1 THE COURT: Okay. Were you home at the time?

2 PROSPECTIVE JUROR NO. 1089: No.

3 THE COURT: Okay. And they attempted to get into the
4 home, but were unsuccessful?

5 PROSPECTIVE JUROR NO. 1089: Yeah. The alarm went
6 off.

7 THE COURT: Okay. Did -- were either of these incidents
8 investigated by law enforcement?

9 PROSPECTIVE JUROR NO. 1089: Yes.

10 THE COURT: And were you satisfied with their investigation?

11 PROSPECTIVE JUROR NO. 1089: Yes.

12 THE COURT: So do you believe that experience would make
13 it difficult for you to be fair and impartial to both sides in this case?

14 PROSPECTIVE JUROR NO. 1089: No.

15 THE COURT: Okay. So you could be fair and impartial to
16 both sides?

17 PROSPECTIVE JUROR NO. 1089: Yes.

18 THE COURT: Besides anything you may have already told
19 us, do you have any close relatives or friends who have ever been
20 engaged in law enforcement?

21 PROSPECTIVE JUROR NO. 1089: Yes.

22 THE COURT: And could you explain, please?

23 PROSPECTIVE JUROR NO. 1089: I have a friend that is with
24 Metro. What we talk about are guns, CCW, carry, and what gun ranges
25 he goes to and then the guns that my son and him --

1 THE COURT: So you really don't talk about his -- his job
2 then?

3 PROSPECTIVE JUROR NO. 1089: [No audible response.]

4 THE COURT: Okay. Does your knowledge about this person
5 affect your ability to be fair and impartial in this case?

6 PROSPECTIVE JUROR NO. 1089: Does it affect --

7 THE COURT: In other words, could you be -- even though
8 you know this person's in law enforcement, could you still be fair and
9 impartial to both sides in this case?

10 PROSPECTIVE JUROR NO. 1089: Yes. Yes.

11 THE COURT: It is anticipated that certain law enforcement
12 officers will testify in this case; will you give more credibility to their
13 testimony by the mere fact that they are law enforcement officers?

14 PROSPECTIVE JUROR NO. 1089: No.

15 THE COURT: Okay. Do you agree that if you are chosen to
16 serve as a juror in this case, that you will honor your duty to be
17 completely fair and impartial and to listen carefully to all of the evidence
18 in the case?

19 PROSPECTIVE JUROR NO. 1089: Yes.

20 THE COURT: If you can pass the microphone, please.

21 And sir, your badge number is 1090?

22 PROSPECTIVE JUROR NO. 1090: Yes, Your Honor.

23 THE COURT: Okay. Could you pronounce your last name?

24 PROSPECTIVE JUROR NO. 1090: You want to try?

25 THE COURT: I'll try. Mr. Baborian?

1 PROSPECTIVE JUROR NO. 1090: Yeah. Baborian. You got
2 it.
3 THE COURT: I got lucky.
4 PROSPECTIVE JUROR NO. 1090: Tough Armenian last
5 name.
6 THE COURT: Sir, how long have you lived in Clark County,
7 Nevada?
8 PROSPECTIVE JUROR NO. 1090: 24 years.
9 THE COURT: And how far did you go in school?
10 PROSPECTIVE JUROR NO. 1090: Some college. I went --
11 bounced around to a lot of schools.
12 THE COURT: Okay.
13 PROSPECTIVE JUROR NO. 1090: Never finished.
14 THE COURT: But you do have some college, but you just
15 don't have a degree?
16 PROSPECTIVE JUROR NO. 1090: Yes.
17 THE COURT: Okay. And sir, what is your occupation?
18 PROSPECTIVE JUROR NO. 1090: I'm a cook.
19 THE COURT: Okay. And --
20 PROSPECTIVE JUROR NO. 1090: At the Aria.
21 THE COURT: At the Aria?
22 PROSPECTIVE JUROR NO. 1090: Yes, sir.
23 THE COURT: And you're currently employed there?
24 PROSPECTIVE JUROR NO. 1090: Yes. I just got employed.
25 THE COURT: And what is your marital status?

1 PROSPECTIVE JUROR NO. 1090: I'm -- I'm married.
2 THE COURT: And what does your spouse do for a --
3 PROSPECTIVE JUROR NO. 1090: She's a teacher.
4 THE COURT: And for the Clark County School District?
5 PROSPECTIVE JUROR NO. 1090: Yes, sir.
6 THE COURT: And do you have any children?
7 PROSPECTIVE JUROR NO. 1090: Yes. Two young
8 children, five and two.
9 THE COURT: Okay. Have you ever served as a juror before?
10 PROSPECTIVE JUROR NO. 1090: No, Your Honor.
11 THE COURT: Have you ever testified as a witness in a
12 criminal case?
13 PROSPECTIVE JUROR NO. 1090: No, Your Honor.
14 THE COURT: Have you ever -- have you or close family
15 member ever been convicted of a crime?
16 PROSPECTIVE JUROR NO. 1090: No, Your Honor.
17 THE COURT: Have you or close family member ever been
18 the victim of a crime?
19 PROSPECTIVE JUROR NO. 1090: I mean, no, not really.
20 THE COURT: Okay.
21 PROSPECTIVE JUROR NO. 1090: Identity theft that wasn't
22 reported. I mean, I grew up in the '90s in Vegas, so I'm sure I've been
23 swung at in high school. But back then, that wasn't a crime. Sorry.
24 THE COURT: All right. So do you believe that experience
25 would make it difficult for you to be fair and impartial to both sides in this

1 case?

2 PROSPECTIVE JUROR NO. 1090: I mean, I was quite bitter
3 when I was a victim of identity theft at the holiday time.

4 THE COURT: Yeah.

5 PROSPECTIVE JUROR NO. 1090: So yeah, I mean, I do -- I
6 do find it a little annoying that crimes happen against good people.

7 THE COURT: Okay. But do you think you can still be fair and
8 impartial to both sides?

9 PROSPECTIVE JUROR NO. 1090: I'll try my best in that
10 circumstance.

11 THE COURT: Okay. Besides anything you have -- may have
12 already told us, do you have any close relatives or friends who have
13 ever been engaged in law enforcement?

14 PROSPECTIVE JUROR NO. 1090: Yes. My uncle, my
15 mom's brother, was a NYPD police officer that died on duty.

16 THE COURT: Okay. Before that, did you ever talk to him
17 about his job?

18 PROSPECTIVE JUROR NO. 1090: No.

19 THE COURT: I'm sorry?

20 PROSPECTIVE JUROR NO. 1090: No. He was --

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 1090: He was -- he was the
23 uncle -- a close uncle, my hero. And just pretty much uncle, and he died
24 on a rough, rainy day chasing a perp.

25 THE COURT: Okay. Does your knowledge about your

1 uncle's passing affect your ability to be fair and impartial in this case?

2 PROSPECTIVE JUROR NO. 1090: Yes.

3 THE COURT: Okay. So you do not believe, because of what
4 happened to your uncle, that you can fair and impartial in this case?

5 PROSPECTIVE JUROR NO. 1090: It will be hard for me to
6 be partial --

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 1090: -- with respect to the
9 defense.

10 THE COURT: So would you be partial towards the State or
11 towards the defense?

12 PROSPECTIVE JUROR NO. 1090: State.

13 THE COURT: The State. It's anticipated that certain law
14 enforcement officers will testify in this case; will you give more credibility
15 to their testimony by the mere fact that they're a law enforcement
16 officer?

17 PROSPECTIVE JUROR NO. 1090: Yes. I'm afraid -- afraid I
18 will.

19 THE COURT: Okay. And that's because your uncle was a
20 law enforcement officer?

21 PROSPECTIVE JUROR NO. 1090: Yes.

22 THE COURT: Even so, are you willing to listen to the
23 testimony of all the witnesses in this case before you make a
24 determination as to credibility?

25 PROSPECTIVE JUROR NO. 1090: I'll listen and I'll -- I'm --

1 but I'm human. And it -- it really hit my family hard. So.

2 THE COURT: Okay. But you still would be willing to listen to
3 all the witnesses before you determine credibility?

4 PROSPECTIVE JUROR NO. 1090: Like I said, I'll listen, but
5 I -- I am partial.

6 THE COURT: All right. Are you willing to agree that if you're
7 chosen to serve as a juror in this case, that you will honor your duty to
8 be completely fair and impartial to both sides and listen carefully to all
9 the evidence?

10 PROSPECTIVE JUROR NO. 1090: I'll listen, but I am partial
11 to the defense -- or to the State.

12 THE COURT: Okay. But if, after you hear all the evidence,
13 you'll base your decision on the evidence --

14 PROSPECTIVE JUROR NO. 1090: Yes, Your Honor.

15 THE COURT: -- is that correct? And you'll -- you'll be
16 completely fair and impartial when you make that decision?

17 PROSPECTIVE JUROR NO. 1090: Yes, Your Honor.

18 THE COURT: Okay. And if you can pass it to the --
19 microphone to the gentleman on your left.

20 And sir, you're Badge No. 1091?

21 PROSPECTIVE JUROR NO. 1091: Correct.

22 THE COURT: And it's Mr. Blazer?

23 PROSPECTIVE JUROR NO. 1091: Yes.

24 THE COURT: Okay. Sir, how long have you lived in Clark
25 County, Nevada?

1 PROSPECTIVE JUROR NO. 1091: 25 years.
2 THE COURT: And how far did you go in school?
3 PROSPECTIVE JUROR NO. 1091: Associate's degree.
4 THE COURT: And what is your occupation?
5 PROSPECTIVE JUROR NO. 1091: Security systems
6 coordinator at Clark County Water Reclamation.
7 THE COURT: Okay. And what is your marital status?
8 PROSPECTIVE JUROR NO. 1091: I'm divorced.
9 THE COURT: And what was the occupation of your
10 ex-spouse?
11 PROSPECTIVE JUROR NO. 1091: Accountant.
12 THE COURT: Here in Las Vegas, Nevada?
13 PROSPECTIVE JUROR NO. 1091: Yes.
14 THE COURT: Do you have any children?
15 PROSPECTIVE JUROR NO. 1091: Yes. A daughter in San
16 Diego. She works for SDSU.
17 THE COURT: And she's an adult child, I take it?
18 PROSPECTIVE JUROR NO. 1091: Yes.
19 THE COURT: Have you ever served as a juror before?
20 PROSPECTIVE JUROR NO. 1091: Yes.
21 THE COURT: Was it a civil or criminal case?
22 PROSPECTIVE JUROR NO. 1091: Civil case in the federal
23 court.
24 THE COURT: Courthouse? And without telling me the
25 verdict, did the jury reach a verdict?

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PROSPECTIVE JUROR NO. 1091: Yes.

THE COURT: And were you the foreperson?

PROSPECTIVE JUROR NO. 1091: No.

THE COURT: Is there anything about that experience that would affect your ability to be fair and impartial in this case?

PROSPECTIVE JUROR NO. 1091: No.

THE COURT: Have you ever testified as a witness in a criminal case?

PROSPECTIVE JUROR NO. 1091: No.

THE COURT: Have you or close family member ever been convicted of a crime?

PROSPECTIVE JUROR NO. 1091: No.

THE COURT: Have you or close family member ever been the victim of a crime?

PROSPECTIVE JUROR NO. 1091: My house was broken into.

THE COURT: Okay. Were you home at the time?

PROSPECTIVE JUROR NO. 1091: No.

THE COURT: Did you make a police report?

PROSPECTIVE JUROR NO. 1091: Yes, to North Las Vegas police.

THE COURT: And was it investigated?

PROSPECTIVE JUROR NO. 1091: Yes.

THE COURT: Are you satisfied with the investigation?

PROSPECTIVE JUROR NO. 1091: Right. Nothing was ever

1 found, but they did an investigation.

2 THE COURT: Okay. Do you believe that experience will
3 make it difficult for you to be fair and impartial to both sides in this case?

4 PROSPECTIVE JUROR NO. 1091: No, that shouldn't. No
5 problem.

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

7 PROSPECTIVE JUROR NO. 1091: Yes.

8 THE COURT: -- to both sides --

9 PROSPECTIVE JUROR NO. 1091: Uh-huh.

10 THE COURT: -- is that correct?

11 PROSPECTIVE JUROR NO. 1091: Yes.

12 THE COURT: All right. Besides anything you may have
13 already told us, do you have any close relatives or friends who have
14 ever been engaged in law enforcement?

15 PROSPECTIVE JUROR NO. 1091: No.

16 THE COURT: It is anticipated that certain law enforcement
17 officers will testify in this case; will you give more credibility to their
18 testimony by the mere fact that they are law enforcement officers?

19 PROSPECTIVE JUROR NO. 1091: Yes, I would.

20 THE COURT: Okay. But are you willing to listen to the
21 testimony of all of the witnesses and then make a determination of
22 credibility after you've heard all the testimony?

23 PROSPECTIVE JUROR NO. 1091: Yes, I believe so. But I
24 would be leaning that way.

25 THE COURT: Okay. But you're willing to listen to

1 everybody's testimony --

2 PROSPECTIVE JUROR NO. 1091: Yes.

3 THE COURT: -- and be fair and impartial, and make a
4 determination of credibility after you've heard everybody -- all the
5 witnesses' testimony; is that correct?

6 PROSPECTIVE JUROR NO. 1091: Yes.

7 THE COURT: Do you agree that if you are chosen to serve as
8 a juror in this case, that you will honor your duty to be completely fair
9 and impartial and to listen carefully to all of the evidence?

10 PROSPECTIVE JUROR NO. 1091: Yes.

11 THE COURT: Okay. At this time we're going to take our
12 afternoon recess. We'll be in recess for about 10 minutes.

13 During this recess, you are admonished not to talk or
14 converse among yourselves or with anyone else on any subject
15 connected with this trial, or read, watch or -- if you could just -- I need to
16 admonish -- if you could just sit for just one second. I'm required to do it.
17 That's okay. That's -- do an admonishment. All right.

18 During this recess, you're admonished not to talk or converse
19 among yourselves or with anyone else on any subject matter connected
20 with the trial, or read, watch, or listen to any report or any commentary
21 on the trial, or any person connected with this trial by any medium of
22 information including, without limitation, social media, text, newspapers,
23 television, the Internet, and radio; do not -- you don't know where the
24 scene is, but I'm still going to read it -- do no visit the scene of any of the
25 events mentioned during the trial, undertake any investigation; do not do

1 any posting or communications on any social networking sites or do any
2 independent research, including Internet searches of any kind, or form or
3 express any opinion or any subject -- on any subject connected with trial
4 until the case is finally submitted to you.

5 We'll be in recess for about 10 minutes. Okay. Thank you.

6 Counsel, if you'll remain for a moment.

7 [Prospective jury panel recessed at 3:15 p.m.]

8 THE COURT: I'm going to go to 4:30 today. Obviously, you
9 know, I don't think we'll have a jury by today. I don't have a heavy
10 criminal calendar tomorrow. So I'm going to tell them to be back
11 at 11:00 tomorrow, remain outside. And then I anticipate going to 5:00
12 tomorrow.

13 MR. DICKERSON: Okay. And do you anticipate the same
14 lunch break time, about 12:30?

15 THE COURT: About 12:30.

16 MR. DICKERSON: Okay.

17 THE COURT: If we can get started -- we may get started a
18 little after 11:00, but I'll go for about an hour, hour and a half. I may
19 even tell them to maybe have a late breakfast --

20 MR. DICKERSON: Okay.

21 THE COURT: -- because we're going to have a late lunch.
22 And then we should be able to go to, I believe, 5:00 tomorrow -- 5:00
23 tomorrow. So hopefully we'll have a jury by tomorrow, do opening
24 statements, and maybe even get the testimony of a few witnesses in.

25 MR. DICKERSON: Okay.

1 THE COURT: Okay.

2 MR. DICKERSON: Absolutely.

3 THE COURT: Okay. So 10 minutes, be back. And then,
4 obviously, you're going to have the opportunity to ask questions at this
5 point.

6 MR. DICKERSON: Thank you, your Honor.

7 THE COURT: Thank you.

8 MS. PLUNKETT: Thank you, Judge.

9 MR. COYER: Thank you.

10 [Court recessed at 3:17 p.m. until 3:27 p.m.]

11 [Outside the presence of the prospective jury panel.]

12 THE COURT: Back on the record. I had my law clerk over
13 the break pull my calendar for tomorrow. It's 26 pages and he advises
14 me I have four sentencings and four revocation proceedings. So I was
15 hopeful the -- to be finished by 11:00, but depending on the revocations
16 will depend on how long I go tomorrow. So I'm thinking instead, I'll have
17 them come back at 11:30, just to be safe. And that way we'll go for at
18 least an hour, to 12:30, and then take a lunch break and then go for the
19 rest of the day. So I'm going to advise them to come back tomorrow
20 at 11:30 if -- unless counsel has -- is not available.

21 MR. DICKERSON: That's fine with the State, Your Honor.

22 THE COURT: And Mr. Coyer?

23 MR. COYER: That's -- that's fine with us, Judge.

24 THE COURT: Matter of fact, I think one of the sentencings on
25 tomorrow may be one of yours.

1 MR. COYER: It is.

2 THE COURT: And I believe -- are you in my department
3 tomorrow, Mr. Dickerson?

4 MR. DICKERSON: I will be here.

5 THE COURT: Okay. So, you know, we can't get started until,
6 obviously, I finish.

7 MS. PLUNKETT: And, Judge, I do just want to point out I
8 have a quick City hearing at 2:00 p.m. tomorrow. I'm hoping we can
9 somehow work around that where I can briefly leave, possibly a break in
10 that area anywhere in the 2:00 p.m. vicinity.

11 THE COURT: Okay. How long --

12 MR. LEXIS: Judge, how about we just lunch at 1:30
13 then, 1:30 to 2:30?

14 THE COURT: That works for me if that's good for counsel.

15 MS. PLUNKETT: If everyone is amenable to that, it would be
16 great.

17 THE COURT: Just remind me 1:30 to -- because we're not
18 going to get started until probably at the earliest 11:30. So that -- that's
19 fine with me. And so just remind me tomorrow that we're doing our
20 lunch from 1:30 to 2:30 and that should accommodate you.

21 MS. PLUNKETT: Thank you so much, Judge.

22 THE COURT: Okay. Thank you.

23 MS. PLUNKETT: Thank you, State.

24 MR. DICKERSON: Absolutely.

25 THE COURT: Are the jurors out there? All right. So

1 obviously now I'm going to open it up to voir dire to the attorneys. And
2 then we'll go till 4:30 today.

3 [Prospective jury panel reconvened at 3:29 p.m.]

4 THE COURT: And this is continuation of Case No.
5 C-16-315580, *State of Nevada vs. Valencia*. Let the record reflect the
6 presence of counsel for the State and the defense, and the presence of
7 the defendant.

8 Ladies and gentlemen, the attorneys now are going to
9 proceed to ask you some questions. We're going to go to 4:30 today
10 and take our afternoon recess. So we'll probably have to continue
11 tomorrow. We're going to have you come back at 11:30. And then
12 we're going to take our lunch break tomorrow between 1:30 and 2:30, so
13 you might want to have a -- a snack or breakfast or something before
14 you come to court tomorrow, because we're going to have a late lunch
15 break. Then I anticipate going to 5:00 tomorrow.

16 So in any event, this is the time set where the attorneys are
17 going to proceed to ask you questions.

18 State, you may proceed.

19 MR. LEXIS: Thank you, Your Honor.

20 Good afternoon folks. I'll try to be as brief as I can.

21 You can just randomly give it to anybody, the mic. Thank you.

22 Folks, as the judge told you earlier, the State has the burden
23 of proof. We have to prove the case. Does anyone disagree with that
24 notion? Let the record reflect no response. And you're going to hear my
25 say that to myself repeatedly. It's because there's a record and it's

1 being recorded.

2 As the defendant sits there right now, he's not guilty. Does
3 anyone disagree with that? Let the record reflect, no response.

4 After we pick a jury, the judge is going to say, State, do you
5 want to do opening statements and ask the defense the same thing.
6 We'll get up and talk to you about the case. If the judge then says,
7 State, call your first witness, and we say, Judge, we rest, you would only
8 have one option if you went back and deliberated. And it would be not
9 guilty, because the State has not presented any evidence; does anyone
10 disagree with that notion? Let the record reflect no response.

11 The evidence is going to come from right here, the witness
12 stand. That's the evidence. Now, let's say there's -- first of all, does
13 anyone believe that the District Attorney's Office can pick who becomes
14 victims of crime? Let the record reflect no response.

15 Does anyone here think we can pick who becomes witnesses
16 to crimes? Let the record reflect no response.

17 Let's say there's the same set of circumstances, same facts.
18 The same set of circumstances and facts the victim is a doctor in
19 Summerlin, and the same set of facts and circumstances is a victim and
20 she's a homeless drug addict, former gang member, go on and on.
21 Does anyone here believe that the District Attorney's Office should go
22 after the person that committed the crime against the doctor more
23 aggressively than the homeless drug addict? Let the record reflect no
24 response.

25 Let's say -- and the judge is going to show you the law and

1 what reasonable doubt means. Let's say just one person took this
2 stand -- let me back up before I even go there.

3 Does here anyone watch *CSA*, those crime scene shows?
4 Yes?

5 Can you pass the mic to Juror 1090.

6 Sir, is that correct?

7 PROSPECTIVE JUROR NO. 1090: Yes.

8 MR. LEXIS: What crime shows do you watch?

9 PROSPECTIVE JUROR NO. 1090: *Law & Order*.

10 MR. LEXIS: Okay. In Clark County, with over two million
11 people, do you think Metro is going to have time to come up, roll up with
12 multiple detectives and multiple air units, CSAs; do you think that
13 happens in every case?

14 PROSPECTIVE JUROR NO. 1090: No.

15 MR. LEXIS: Now, are you going to expect the State to that
16 kind of standard that you see on TV?

17 PROSPECTIVE JUROR NO. 1090: Is that a trick question?

18 MR. LEXIS: No.

19 PROSPECTIVE JUROR NO. 1090: No. I don't expect that
20 kind of standard, like TV drama. No.

21 MR. LEXIS: I ask, because you'd be surprised. People --

22 PROSPECTIVE JUROR NO. 1090: The way you asked it, it
23 was a little --

24 MR. LEXIS: All right. Anybody -- do you know what I'm
25 getting at? Does anybody expect that type of investigation and the

1 amount of resources that just, at a snap in the finger, happens like it
2 does on TV? Let the record reflect no response.

3 Now, would you agree that -- pass -- pass the mic to your left
4 or right or behind you, I don't care. Okay.

5 Juror 1091; is that correct?

6 PROSPECTIVE JUROR NO. 1091: Yes, sir.

7 MR. LEXIS: Sir, do you believe that there are certain crimes
8 where there is no forensic evidence left behind? There is no, let's say,
9 fingerprint evidence, DNA evidence, cameras?

10 PROSPECTIVE JUROR NO. 1091: There may be some left
11 behind, yeah.

12 MR. LEXIS: And can you give me an example of some of
13 those crimes?

14 PROSPECTIVE JUROR NO. 1091: Not specific crime, no.
15 But I would imagine there are things that are left behind. You know, by
16 time, just by mistakes.

17 MR. LEXIS: Okay. Let's say somebody goes in some alley,
18 sees some woman walk in an alley and grabs her purse and takes off.
19 There's no cameras behind there. Let's say there's no cameras. Okay?
20 And let's say there's no fingerprints or no DNA. And let's say he did
21 leave behind something that --

22 PROSPECTIVE JUROR NO. 1091: Uh-huh.

23 MR. LEXIS: -- he dropped or that was the victim's and he
24 dropped. And it came back, there -- because there's no guarantee,
25 there was no DNA or no fingerprint evidence. But do you think those

1 cases can be prosecuted?

2 PROSPECTIVE JUROR NO. 1091: I don't know if they could
3 or not. I mean, well, they may attempt, but all of the evidence may not
4 come out.

5 MR. LEXIS: What happens if the only person to witness that
6 crime was the actual victim?

7 PROSPECTIVE JUROR NO. 1091: Well, there will probably
8 still be an attempt to prosecute.

9 MR. LEXIS: Okay. Folks, let's say that the State just calls
10 one person on the stand. And that's all the evidence in this case, one
11 person. There is no forensic evidence. There's no DNA and there's no
12 fingerprints, there's no video surveillance, there's no independent
13 eyewitness. If all you have is just one person, and even though the law
14 says that you can convict based on just one person if you believe that
15 person beyond a reasonable doubt, is there anybody here that's going to
16 say, you know what, I'm not going to be able to do that? Just one
17 person saying what happened is not enough for me.

18 Go ahead. Can you pass this over?

19 Juror 1086?

20 PROSPECTIVE JUROR NO. 1086: Sorry, yeah. I don't
21 think -- I -- I would have a hard time with one person.

22 MR. LEXIS: Okay. Can you think of some other crimes,
23 ma'am, that happen just where there's the defendant and the victim?

24 PROSPECTIVE JUROR NO. 1086: Yeah. I'm sure there's a
25 lot of crimes that happen with just two people there. But when it's a he

1 said/she said, and, like, from my perspective, if I don't know either of
2 these people, it would be hard for me to say this person is telling the
3 truth and this person isn't, when I -- I don't know them, I'm just listening
4 to what they said happened. But if there happened to be multiple people
5 who witnessed something and gave the same account, then that would
6 be different.

7 MR. LEXIS: Okay. Does anyone feel the same way? And
8 that's fine if you do. Pass it over, please.

9 1082?

10 PROSPECTIVE JUROR NO. 1082: Yes.

11 MR. LEXIS: Go ahead, sir.

12 PROSPECTIVE JUROR NO. 1082: So like she said, if it's just
13 one person, it -- I'd be reluctant to make a decision. Well, I guess it
14 depends on what the consequences are too. If it was just -- if it was
15 something that was just a fine, then I'd be more willing to go off -- based
16 off how I feel with that one. But if it was time in jail or whatever else
17 might come, I'd be a little more reluctant to base it just off one decision.

18 MR. LEXIS: Okay. Let me stop you right there and let's get
19 sidetracked for a second.

20 First of all, and you'll be instructed, sentencing is up to the
21 judge. You are not to go back and consider any type of sentencing
22 when you're deliberating whether or not somebody is guilty or not guilty.
23 That is absolutely law. The judge is the trier of the law, you're the trier of
24 the fact. He's also the sentencer. You are not to consider that.

25 However, sir, you're telling me if there's just one person, we

1 just call one person to the stand and, even though you're not to consider
2 that, you -- your back of your mind that this person might be going to jail,
3 you believe that you're not going to be able to find guilty?

4 PROSPECTIVE JUROR NO. 1082: If it's just off someone
5 saying this is what happened to me and there's no physical evidence,
6 nothing else, I'd find it hard. Because it's kind of like any statistic; if you
7 just have one person, it's not going to be -- the results aren't as definite.

8 MR. LEXIS: Okay. Let me ask you this, sir. You -- we can go
9 with many examples. Let's go with a common one, battery, domestic
10 violence. Do you agree that battery, domestic violence happens in
11 homes all across this country?

12 PROSPECTIVE JUROR NO. 1082: Yes.

13 MR. LEXIS: And do you believe there's times where there is
14 no physical injuries?

15 PROSPECTIVE JUROR NO. 1082: Yeah, I guess, like, verbal
16 and --

17 MR. LEXIS: What was that, sir?

18 PROSPECTIVE JUROR NO. 1082: -- well -- like, would that
19 be, like, mental abuse and whatnot?

20 MR. LEXIS: No, sir. If you had --

21 PROSPECTIVE JUROR NO. 1082: Verbal? Or all physical?

22 MR. LEXIS: If you got upset with your spouse, girlfriend,
23 whatever, you grab her, you put her in a choke hold, you push her down.
24 By the time the cops get there, there's no physical injuries. First of all,
25 you would agree that's a battery, correct?

1 PROSPECTIVE JUROR NO. 1082: Yes.

2 MR. LEXIS: All right. Now, if the only person -- let's say there
3 is no cameras in the home, and there is no specific type of forensic
4 evidence that would help determine whether or not this person battered
5 her, do you believe that the District Attorney's Office should just deny
6 prosecution?

7 PROSPECTIVE JUROR NO. 1082: No.

8 MR. LEXIS: So you believe we should prosecute those
9 cases?

10 PROSPECTIVE JUROR NO. 1082: Yes.

11 MR. LEXIS: All right. Same thing with somebody in an alley,
12 like I gave a previous example. Lady going back there, there's no video
13 cameras. Maybe there's evidence left behind, but there's no forensics
14 left behind. Maybe the prints weren't good enough or not enough DNA
15 was left on it. Okay. And we just have this one person taking the stand.
16 In that situation, do you believe that we should deny that case?

17 PROSPECTIVE JUROR NO. 1082: Can you repeat that?

18 MR. LEXIS: Okay. Do you believe that we should prosecute
19 that case?

20 PROSPECTIVE JUROR NO. 1082: Yes.

21 MR. LEXIS: Okay. And let's say the only person we have to
22 put forward on the stand for you in that case is the actual victim. You
23 get what I'm saying?

24 PROSPECTIVE JUROR NO. 1082: Yeah.

25 MR. LEXIS: Okay. Are you telling me that -- let's say you

1 believe that witness beyond a reasonable doubt. And as the law allows,
2 if you believe that one witness beyond a reasonable doubt, the
3 defendant did it, the State is entitled to a guilty verdict?

4 PROSPECTIVE JUROR NO. 1082: Yes.

5 MR. LEXIS: Would you be able to find guilty?

6 PROSPECTIVE JUROR NO. 1082: Yes.

7 MR. LEXIS: I think everyone gets what I'm getting at. Is there
8 anybody here -- and it's okay if you do, one person on the stand, okay,
9 homeless drug addict, crimes happen against those people too. And
10 they come in here and tell you a person in the defense chair is the one
11 that did it to me and you believe that person beyond a reasonable doubt;
12 is there anybody in here that's going to say no? Even though the law
13 allows if I believe that person beyond a reasonable doubt to find guilty,
14 I'm not going to be able to do it, because my gut's not going to be right,
15 I'm not having a feeling that, you know what, I need more. I need
16 another witness. I need forensic evidence. Anybody?

17 Sir, 1004?

18 PROSPECTIVE JUROR NO. 1004: Yeah.

19 MR. LEXIS: Could you pass the mic back, sir? Here I got it.

20 Go ahead, sir.

21 PROSPECTIVE JUROR NO. 1004: I'm sorry, I -- I mean, if
22 you're just saying it's this one person's word against another, I mean, we
23 can't decide on that. I couldn't.

24 MR. LEXIS: Okay. So same type of question, sir. On most
25 crimes that happen against victims like that, okay, somebody goes out in

1 the grocery store parking lot tonight, late at night, no cameras, nobody
2 around, they don't leave any forensic evidence, cops come, get that
3 person's statement, submit it to my office. And one of the district
4 attorneys should say, you know what, this is only going to be -- have one
5 witness to the stand, denied prosecution. I mean, it's all right if you
6 believe that, I'm just --

7 PROSPECTIVE JUROR NO. 1004: Yeah. Because I don't
8 think you're going to get a -- get 12 people to say that that person was
9 guilty. I mean, I could see maybe the majority of people think he's guilty,
10 but I think a lot of people would not convict just on that.

11 MR. LEXIS: Okay. I'm not asking about everybody. I'm
12 asking about you, sir. Do you -- is that your belief, that if that's -- on
13 situations like that -- and again, assuming that you believe that person
14 beyond a reasonable doubt, you're not going to be able to convict?

15 PROSPECTIVE JUROR NO. 1004: Yeah. I will not be able to
16 guess.

17 MR. LEXIS: Okay. And so just to be clear, on those type of
18 cases that come in, and the -- the most common one would be domestic
19 violence, you believe that we should deny prosecution every time that
20 happens, when there's no forensic evidence, physical evidence and no
21 independent eyewitnesses, because all we have is one person to take
22 the stand?

23 PROSPECTIVE JUROR NO. 1004: Yes.

24 MR. LEXIS: Okay. Does anybody else feel like that? Let the
25 record reflect no response.

1 Judgment in general. At the end of this trial, you're going to
2 be asked to cast judgment upon the defendant, whether it be guilty or
3 not guilty. Does anybody have anything in their past, whether it's
4 religious personal beliefs or something that's happened to them in the
5 past, which is going to hinder their ability to cast judgment at the end of
6 this trial? Let the record reflect no response.

7 Has anybody had any negative contact with law enforcement?

8 Juror No. 977; is that correct, sir?

9 PROSPECTIVE JUROR NO. 977: Yeah. I've been pulled
10 over. I've been arrested before. I've -- I've been -- plenty of negative
11 growing up with law enforcement. But there's no question there. But I
12 have been, yes.

13 MR. LEXIS: Okay. And you -- and you categorized that --
14 let's ask it this way. Do you believe that was justified or unjustified, how
15 you were treated by law enforcement?

16 PROSPECTIVE JUROR NO. 977: Both. Sometimes justified,
17 sometimes not. Sometimes it's kind of like a -- I don't want to say
18 targeting, but kind of like targeting, I mean, I guess. Coming out of a
19 bowling alley, I was put on -- put in handcuffs, because they thought I
20 looked like somebody. Stuff like that. Put in the back of the car, waited
21 for hours in the back of a car and then find out it wasn't me. So stuff like
22 that. But then there's stuff I've justifiably done wrong.

23 MR. LEXIS: Like what, sir?

24 PROSPECTIVE JUROR NO. 977: Speeding. I stole before.
25 Stuff like that.

1 MR. LEXIS: Anybody else have any negative contact with law
2 enforcement?

3 Has anybody had any positive contact with law enforcement?

4 Ma'am, Juror 1058?

5 PROSPECTIVE JUROR NO. 1058: I have. Yes, I have.

6 MR. LEXIS: One second, ma'am. We need the mic so they
7 can hear it for the record.

8 PROSPECTIVE JUROR NO. 1058: You said positive, right?

9 MR. LEXIS: Yes, ma'am.

10 PROSPECTIVE JUROR NO. 1058: Yes, I have. Because I
11 live alone. And twice I've thought that there was somebody outside.
12 You know, my dog was barking and all that. And I called and -- and
13 they're -- they come really fast and check everything out. I'm -- you
14 know, I'm happy -- I'm happy about that.

15 MR. LEXIS: Okay.

16 PROSPECTIVE JUROR NO. 1058: Makes me feel better.

17 MR. LEXIS: Anybody else?

18 Pass it behind you, ma'am.

19 Juror 961?

20 PROSPECTIVE JUROR NO. 961: I work as a security officer.
21 And there's been maybe five or six times since 2000 where I've had to
22 call police about something, like, usually somebody breaking into a car
23 in a parking lot at my post or someone coming into a retail store that I
24 was posted at and attempting to steal or create a disturbance. And the
25 police arrived. They were prompt. They listened to what I had to say

1 and what everybody else had to say and took it from there. I -- I think
2 they did a -- they made a favorable impression on me in --

3 MR. LEXIS: Anybody else? Pass it down the row.

4 Ma'am, No. 990; is that correct?

5 PROSPECTIVE JUROR NO. 990: Yes. Correct. I've had
6 lots -- I'm a nurse by profession. I don't treat patients now. But, you
7 know, I come in contact with law enforcement in certain situations and
8 EMS and had very positive experiences. I live in a high-rise on the Strip.
9 Couple weeks ago there was a disturbance. I heard loud music playing
10 in an abandoned parking lot. And I called the police. They responded
11 what I thought was very timely. And they even called me back to let me
12 know that, you know, they checked on it and that they were thankful.
13 And it was just a very positive experience. I was surprised that they
14 called me back.

15 MR. LEXIS: Okay. Sir, No. 992?

16 PROSPECTIVE JUROR NO. 992: Yes, sir.

17 MR. LEXIS: Or excuse me, 993.

18 PROSPECTIVE JUROR NO. 993: Oh, yep. Nope, 993.
19 Correct. Just work, like I say, as an administrator here and deal with
20 district police often. Specifically in the last seven years and just dealing
21 with their day-to-day duties. We have students on campus, teenagers
22 on campus that don't always make the best decisions. And they've
23 always been, you know, positive with customer service, positive in
24 dealing with the -- you know, any and all infractions and do a great job in
25 upholding a safe and secure campus.

1 MR. LEXIS: Anybody in the second row?

2 Number 1048?

3 PROSPECTIVE JUROR NO. 1048: Yes.

4 MR. DICKERSON: Is that correct, ma'am?

5 PROSPECTIVE JUROR NO. 1048: Yes.

6 MR. DICKERSON: Yes.

7 PROSPECTIVE JUROR NO. 1048: When my purse was
8 stolen, I didn't know that it was stolen at first. It was about midnight and
9 my phone rang and I heard a woman telling me that she found my card
10 and she wanted me to come pick it up. And I thought that was going to
11 be an ambush. I was nervous. Why do you want me, a stranger, to
12 come -- you know, that's a stranger. I'm going to drive my car to your
13 house. I didn't know this person.

14 And I called the police and asked them to escort me to go get
15 my belongings, and they did. And that actually solved who took it. It
16 was actually the woman who took it. And you know, I -- I never thought
17 that they would accompany me, but they handled it and made me feel
18 more secure.

19 MR. LEXIS: Okay. Anyone else in the second row?

20 Anybody else in the first row?

21 Can you pass it forward, then.

22 1091?

23 PROSPECTIVE JUROR NO. 1091: I'm the point of contact
24 for any security-related incidents at the Water Reclamation District. And
25 numerous times when we've had incidents happen, I mean, been good

1 response. A lot of -- at least a showed caring to what was going on
2 and -- and follow up, and they've even come out and done training
3 sessions with our group. So it's been overwhelmingly positive.

4 MR. LEXIS: Okay. Anyone else in the first row?

5 Can you please pass it back to 1018 in the second row, third
6 one over.

7 You ma'am, is that Ms. Khuu? Ma'am?

8 PROSPECTIVE JUROR NO. 1018: Yeah.

9 MR. LEXIS: What percentage are you understanding here
10 today? Percentio?

11 PROSPECTIVE JUROR NO. 1018: Yeah. Thank you. I -- I
12 understand --

13 THE COURT: Ma'am, can you put the microphone closer --

14 PROSPECTIVE JUROR NO. 1018: I understand --

15 THE COURT: -- to your mouth please?

16 PROSPECTIVE JUROR NO. 1018: -- a little bit, when talk
17 about some things too, somethings called police.

18 MR. LEXIS: Give me a figure, percentio, how much do you
19 understand? Comprehende percent?

20 PROSPECTIVE JUROR NO. 1018: I --

21 MR. DICKERSON: She's Vietnamese.

22 MR. LEXIS: All right. Ma'am --

23 PROSPECTIVE JUROR NO. 1018: Yeah.

24 MR. LEXIS: -- I don't know how to speak Vietnamese. I don't
25 know how to speak Spanish either.

1 PROSPECTIVE JUROR NO. 1018: Yeah.
2 MR. LEXIS: So --
3 MR. DICKERSON: I got that.
4 MR. LEXIS: Ma'am, how much -- percent-wise, how much do
5 you understand?
6 PROSPECTIVE JUROR NO. 1018: I think --
7 THE COURT: Ma'am, can --
8 PROSPECTIVE JUROR NO. 1018: -- 12, 12 percent.
9 THE COURT: Ma'am --
10 PROSPECTIVE JUROR NO. 1018: 12 -- 12 percent.
11 MR. LEXIS: 12 percent?
12 PROSPECTIVE JUROR NO. 1018: Yeah.
13 MR. LEXIS: That's all I need to know. Thank you.
14 Pass it up to 1063. Mr. Lopez?
15 PROSPECTIVE JUROR NO. 1063: Yes, sir.
16 MR. LEXIS: I'll try my great Spanish with you. Percentio
17 comprehende?
18 PROSPECTIVE JUROR NO. 1063: My English is, you know,
19 a little bit. So, you know, maybe --
20 MR. LEXIS: Give me a percentage.
21 PROSPECTIVE JUROR NO. 1063: Huh?
22 MR. LEXIS: Percentage?
23 PROSPECTIVE JUROR NO. 1063: In Spanish?
24 MR. LEXIS: No. In English. How much do you understand
25 me, percentage?

1 PROSPECTIVE JUROR NO. 1063: Oh, how much do I -- I
2 don't know. Some words I understand, some words don't understand.

3 MR. LEXIS: Give me a figure, sir.

4 PROSPECTIVE JUROR NO. 11063: Yeah. Huh?

5 MR. LEXIS: Give me a figure. Percentage wise, how much?

6 UNIDENTIFIED SPEAKER: [In Spanish.]

7 THE COURT: Wait, wait, wait. Please do not speak in
8 Spanish.

9 PROSPECTIVE JUROR NO. 1063: English?

10 MR. LEXIS: I wish I would be able to do that, but we can't --
11 we can't do that. So I need to --

12 THE COURT: Okay. Just so everybody understands, we
13 have a court recorder. Everything is being recorded and it has to be in
14 English. So all questions and answers must be in English.

15 MR. LEXIS: 10 percent? 20 percent? 50 percent? 100
16 percent?

17 PROSPECTIVE JUROR NO. 1063: Maybe 5 percent.

18 MR. LEXIS: Okay. That's all I need to know. Thank you.

19 Can you please pass it down to 1090. Mr. Baborian?

20 PROSPECTIVE JUROR NO. 1090: Baborian.

21 MR. LEXIS: Baborian. Sir, you mentioned earlier about
22 somebody being killed in your family?

23 PROSPECTIVE JUROR NO. 1090: Yeah.

24 MR. LEXIS: Who was that?

25 PROSPECTIVE JUROR NO. 1090: My uncle.

1 MR. LEXIS: Your uncle. Do you know the facts of that?

2 PROSPECTIVE JUROR NO. 1090: He was chasing a
3 notorious pickpocket and it was a rainy day and he got hit by a bus.
4 The guy got free. And I don't know if the weather condition -- but he had
5 the guy in sight and he died the next day in the -- the hospital.

6 MR. LEXIS: Okay. About using force, I'm going to ask this to
7 everybody, because there's been a lot of that going on in the news, use
8 of force. Does anybody here have an issue with how Metro uses force?
9 Let the record reflect no response.

10 Is there anyone here that believes that before Metro uses
11 force, force needs to be used on them? For example, if somebody has a
12 knife, a knife should be -- a cop should wait until that knife is deployed
13 on them or somebody else before they use force? Let the record reflect
14 no response.

15 And sir, I know you were previously asked this question, but
16 you understand these facts have nothing to do with your situation, and
17 you understand that what we're ultimately looking here is for fair and
18 impartial jurors for both sides?

19 PROSPECTIVE JUROR NO. 1090: Yes.

20 MR. LEXIS: And do you understand your duty, if you're
21 picked as a juror, to be fair and impartial to both sides?

22 PROSPECTIVE JUROR NO. 1090: Yes.

23 MR. LEXIS: And with that, I want to talk about another
24 question that the judge asked to everyone. And it was giving more
25 weight. I believe he asked about you add more weight to law

1 enforcement officers. Folks, do you understand whether or not we bring
2 a firefighter in here, a rocket scientist, some other type of expert, a cop,
3 you are the ones that are to weigh their credibility, you're the triers of
4 fact. Okay. You're not to automatically presume what is coming out of
5 their mouth is the truth just by State calls rocket scientist so-and-so to
6 the stand. Though you could use your common sense, and you'll be
7 instructed to use your common sense, you are to hold off on judgment
8 until you hear what's coming out of their mouth. Does anyone here
9 disagree with that notion? And I believe -- first of all, does anyone here
10 disagree with that notion? Let the record reflect no response.

11 Can you please pass the mic back to Juror 993.

12 Sir, do you remember that question being asked of you?

13 PROSPECTIVE JUROR NO. 993: Yes, sir.

14 MR. LEXIS: And do you remember your response?

15 PROSPECTIVE JUROR NO. 993: Yes, sir.

16 MR. LEXIS: Do you remember you saying it depends on the
17 evidence?

18 PROSPECTIVE JUROR NO. 993: Correct.

19 MR. LEXIS: Which is a very good way of putting it. Does
20 anyone here disagree with that? That's essentially what we're getting at.
21 You are to -- evidence is going to come from up there. It's not going to
22 come from anybody's title. You're to weigh their evidence and their
23 credibility from what's on the stand. Does anybody disagree with that?

24 And sir, was that what -- what you were trying to convey when
25 you said depends on the evidence?

1 PROSPECTIVE JUROR NO. 993: Correct.

2 MR. LEXIS: Can anybody think of any other reasons on why
3 they would not be fair and impartial? Let the record reflect no response.

4 Court's indulgence.

5 Can you please pass the mic over to Juror 980.

6 I know you've been dying to talk, ma'am, too, because I saw
7 you raise your hand earlier when somebody else --

8 PROSPECTIVE JUROR NO. 980: Oh. No, I just -- I -- I'm still
9 a little worried about my feelings. I just don't want them to get in the way
10 of me making the right decision. I've -- I've been feeling like I didn't get
11 any justice. So therefore I feel like it may, you know, change the way I --
12 I should -- I don't want to say vote or decide on -- on what it is I should
13 do. You don't know how hard I pray that I wouldn't get a case like this. I
14 wanted a civil case, something that wasn't going to tug at my
15 heartstrings. But this one does because of, you know, people getting
16 hurt. There's so much of that right now that it overwhelms me. And I'm
17 just nervous. I want to do the right thing, mind you, but I don't know if I
18 can. Do you understand?

19 MR. LEXIS: Well, first of all, I appreciate what -- where you're
20 coming from. No, I can't speak on your behalf, because I don't have the
21 full set of circumstances I'm faced with. But I think what you just
22 reiterated, you said that it's important for justice to be served, correct?

23 PROSPECTIVE JUROR NO. 980: Yes.

24 MR. LEXIS: Okay. And if picked as a juror, you're the one
25 ultimately going to be serving the justice as far as whether somebody is

1 guilty or not guilty. And you're going to be the one judging the people
2 that take the stand on whether or not they're credible or not.

3 PROSPECTIVE JUROR NO. 980: Are you okay with that? I
4 mean, are you okay with the way that I feel about it? I --

5 MR. LEXIS: Ma'am, everyone comes in with their own set of
6 circumstances and background. The most important things to both sides
7 of us is whether you could intelligently give a fair and impartial verdict.

8 PROSPECTIVE JUROR NO. 980: Okay. I'll really try.

9 MR. LEXIS: We're not doing anything really that would be --
10 wouldn't -- wouldn't make you to be a fair and impartial juror, ma'am.
11 Unless you want to tell me some other reason that I'm not hearing.

12 PROSPECTIVE JUROR NO. 980: No. No. That's just -- I
13 just had a big loss, is all. I just, you know -- things like that, you just
14 don't get over.

15 MR. LEXIS: Okay. But would you be able to sit here and
16 listen to the evidence?

17 PROSPECTIVE JUROR NO. 980: I think so.

18 MR. LEXIS: Okay. Anybody else have anything that would
19 affect their ability to be fair and impartial?

20 Court's indulgence.

21 We'll reserve our for-cause challenges at the end, Judge.

22 THE COURT: Okay. Defense, you may proceed.

23 MR. COYER: Good afternoon everyone. Again, my name is
24 Gregory Coyer. So does everybody understand that there's no right or
25 wrong answers during this process? Does anybody feel like there's a

1 right or a wrong answer when somebody asks you a question? Seeing
2 no hands.

3 Mr. Locke, if you could -- Ms. Ramos, could you just pass the
4 mic down to Mr. Locke, please?

5 Can you hear me?

6 PROSPECTIVE JUROR NO. 1004: Yes.

7 MR. COYER: Okay. Previously, when Mr. Lexis was asking
8 you some questions, you said that it would be difficult if it was just one
9 person's word against another person's word, right?

10 PROSPECTIVE JUROR NO. 1004: Yes.

11 MR. COYER: Would it be easier if that one person was a
12 police officer?

13 PROSPECTIVE JUROR NO. 1004: Well, there's got to be
14 more evidence than just one person's word against the other. I -- I
15 mean, you -- it's -- I mean, I would probably lean towards the police
16 officer. But, I mean, there's got to be something else, I would think. I
17 mean, I -- I know you're talking about an ideal case, but there has to be
18 something else involved, I guess, other than just the word of the two
19 parties there.

20 MR. COYER: Okay. But would it be easier to believe a police
21 officer if that was the only witness?

22 PROSPECTIVE JUROR NO. 1004: Well, if you're saying I --
23 would I vote for guilty if it was only on the word of a police officer?
24 Probably not.

25 MR. COYER: Okay. And I'm not trying to ask you how you'd

1 vote. I'm not going to ask anybody that question. Okay. So part of the
2 reason why we go through this process is to make sure that we get a
3 group of people who are the best situated to make a fair and impartial
4 determination based on the evidence, whether or not the State's met
5 their burden of proof.

6 Does everybody understand that? Does anybody need any
7 clarification on that?

8 So Mr. Locke, for example, there -- there's no right or wrong
9 answers. Okay? Do you understand that?

10 PROSPECTIVE JUROR NO. 1004: Yes.

11 MR. COYER: All right. Do you recall when the charges were
12 read this morning?

13 PROSPECTIVE JUROR NO. 1004: A little bit.

14 MR. COYER: I thought I saw you shaking your head when the
15 charges were read.

16 PROSPECTIVE JUROR NO. 1004: I don't remember. I could
17 have. I thought they, you know, seemed pretty serious, attacking -- I
18 thought it was attacking a -- the police officer and -- and drug dealing or
19 whatever.

20 MR. COYER: Sure. So one of the charges is assault on a
21 police officer with a deadly weapon. Do you -- you recall that?

22 PROSPECTIVE JUROR NO. 1004: Yes.

23 MR. COYER: Okay.

24 PROSPECTIVE JUROR NO. 1004: Okay.

25 MR. COYER: That charge, just hearing that charge, does that

1 cause anyone to feel any strong feelings toward or in favor of law
2 enforcement? Okay. For the record, I'm seeing three hands.

3 Could you pass it back down to Ms. Ramos.

4 PROSPECTIVE JUROR NO. 980: Sorry. Well --

5 MR. COYER: Sorry to keep picking on you, Ms. Ramos.

6 PROSPECTIVE JUROR NO. 980: Well, yeah. I -- I feel that,
7 yeah, I'm really partial to the -- the police officer if he's being attacked
8 by -- by I guess with a gun, wasn't it? And just that statement right there
9 sounds really one-sided. I mean, true, I haven't heard the other side
10 totally, but that -- that kind of sums it up for me, anyway.

11 MR. COYER: What if you never heard the other side?

12 PROSPECTIVE JUROR NO. 980: Never heard the other
13 side?

14 MR. COYER: Yeah. What if Mr. Valencia just sat there and
15 never took the stand at any point during this trial; would you have a
16 problem with that?

17 PROSPECTIVE JUROR NO. 980: Would I? Well, that's not a
18 very smart thing to do, I wouldn't think. But I probably would have a -- I
19 would like to hear what he had to say. Because just that statement --
20 just that statement alone kind of puts a nail in his coffin. If he doesn't
21 say anything, then definitely he's, you know, headed in the wrong
22 direction.

23 MR. COYER: I don't want to put words in your mouth.

24 PROSPECTIVE JUROR NO. 980: Okay.

25 MR. COYER: Is it fair to say that if Mr. Valencia doesn't

1 testify, it would be very difficult for you to vote not guilty?

2 PROSPECTIVE JUROR NO. 980: Yeah. I think it would be
3 very difficult. I need to hear something.

4 MR. COYER: And I know you talked a lot about the feelings
5 that you're having during this process.

6 PROSPECTIVE JUROR NO. 980: Yeah.

7 MR. COYER: And I don't even know where to -- how to begin
8 saying I'm sorry to hear about your son. You mentioned that one of the
9 things you struggle with is you felt that you didn't get justice?

10 PROSPECTIVE JUROR NO. 980: Right.

11 MR. COYER: So would that -- I was trying to understand what
12 you meant by that. Did you mean that it would be hard for you to vote
13 not guilty in any criminal trial, just because you want to make sure justice
14 is done?

15 PROSPECTIVE JUROR NO. 980: Well, see, that's what I
16 was afraid of, because it's something that haunts me. Because they
17 never found who did it. I'm always kind of thinking, well, maybe he's
18 already in jail by -- because I don't know who this -- who this man -- or
19 maybe it was even a woman, I don't know. But I don't know. I -- I --
20 that's why I didn't want to do one of these, because I wasn't sure how it
21 would make me feel or how I would react. I mean, part of me, I think, to
22 be honest, wants a conviction somewhere, but that's not the right way to
23 think, because --

24 MR. COYER: Sure.

25 PROSPECTIVE JUROR NO. 980: -- you know, you got to

1 hear both sides. That's why if he doesn't say anything, that's not a good
2 thing. But I don't know.

3 I -- I remember when I was going through that process of
4 trying to piece together what had happened to my son and there was
5 people that came and told us that, hey, you know, we overheard this
6 when we were at this party. And then we give that information to the
7 police officers and they say, well, we can't use it, because that's just
8 hearsay; they didn't tell it to this guy, they just overheard it. And -- and
9 that made me angry, because I figured, well, it's something. Can't you
10 go, you know, investigate something? But they just gave me the kind of
11 a blank look and that was the end of that.

12 So for me, I -- I want to do the right thing. I -- I don't want
13 somebody to, you know, just because they look the part or -- or
14 whatever. But I need -- I think I need more than just that one little line
15 that you said, just his word and the statement that he was, you know,
16 attacked with a, you know, with a gun kind of thing just seals it for me.

17 MR. COYER: Right. Given your circumstances --

18 PROSPECTIVE JUROR NO. 980: Uh-huh.

19 MR. COYER: -- if you were on trial, would you want someone
20 like you on your jury?

21 PROSPECTIVE JUROR NO. 980: Oh, I don't know. I'm kind
22 of wishy washy right now. I don't know. I -- I really can't say. I really
23 can't.

24 MR. COYER: And so you know, I'll go back to where I started,
25 which is, you -- you just mentioned that's the wrong way to think.

1 PROSPECTIVE JUROR NO. 980: Yeah, I know. But --

2 MR. COYER: That's not -- that's not what we're here to -- to
3 tell you. What -- there's no right or wrong way to think. What we're
4 trying to figure out is how you do think so that we can make a decision
5 about whether or not we want you on our jury, right?

6 PROSPECTIVE JUROR NO. 980: Yeah. Well --

7 MR. COYER: So.

8 PROSPECTIVE JUROR NO. 980: -- I want to -- I want to do
9 the right thing. And for me, I need to hear more than -- I think, like, my
10 friend at the end, more than one person. I need evidence of some kind.

11 MR. COYER: Do you recall the questions about the State's
12 burden of proof?

13 PROSPECTIVE JUROR NO. 980: Pardon?

14 MR. COYER: Do you recall the questions that were being
15 asked about the State's burden of proof?

16 PROSPECTIVE JUROR NO. 980: No.

17 MR. COYER: Okay. Well, like Mr. Lexis pointed out, if they
18 just came out here and made an argument and didn't present -- didn't
19 present a single witness and said the State rests, that wouldn't be
20 enough to -- to -- for anybody to convict, right?

21 PROSPECTIVE JUROR NO. 980: Right.

22 MR. COYER: Okay. And he gave -- he gave you that
23 example because he was emphasizing that the State carries the burden
24 of proof in a criminal case; do you understand that?

25 PROSPECTIVE JUROR NO. 980: Yeah.

1 MR. COYER: Okay. So going back to the example I gave
2 you about Mr. Valencia not testifying, for example --

3 PROSPECTIVE JUROR NO. 980: Uh-huh.

4 MR. COYER: -- do you understand that you're not here to
5 weigh one story versus the other; you're here to weigh all the evidence
6 and evaluate whether or not the burden of proof has been met?

7 PROSPECTIVE JUROR NO. 980: Okay.

8 MR. COYER: Okay. Do you think you could do that if you -- if
9 Ms. Plunkett and I sat there and played poker the whole -- throughout
10 the trial and Mr. Valencia took a nap on the table, do you think you'd be
11 able to evaluate all the evidence and see if you held the State to their
12 burden or do you expect something from us? Do you expect us to put
13 on some kind of a case?

14 PROSPECTIVE JUROR NO. 980: Oh, I would like that. But,
15 you know, I -- I guess I can -- yeah. I think I could do it. I think I would
16 be able to weigh all the evidence and put it through my little pea brain
17 and hopefully I'll come up with a verdict of one way or another.

18 MR. COYER: Okay. Can you pass the mic forward here to
19 Mr. Sanders.

20 So you had -- you had raised your hand when I asked the
21 question about feeling in favor of law enforcement when you heard the
22 charges, right?

23 PROSPECTIVE JUROR NO. 1082: Yes.

24 MR. COYER: Okay. Would you elaborate on that, please?

25 PROSPECTIVE JUROR NO. 1082: To augment, when I first

1 heard the charges, I started coming to conclusions of -- so when I first
2 heard the charges, I started jumping to conclusions. And so that's why I
3 guess when I'd fill in the blanks, what I don't know, if it was what I was
4 thinking, I'd be in favor of law enforcement. But as evidence came out, I
5 wouldn't respond the same, depending on what happens.

6 MR. COYER: Okay. And I'll ask you, Mr. Sanders, the same
7 question I asked Ms. Ramos, about whether or not you hear from the
8 defendant in the case; does it matter to you whether or not you hear
9 from the defendant in the case?

10 PROSPECTIVE JUROR NO. 1082: So I know the defendant
11 has no -- they don't have to prove themselves innocent. But to me, I
12 don't think, unless the evidence that is being provided by the plaintiff just
13 was a crap shot, I'd expect the defendant to at least, I guess, put forth
14 something. But I also know that technically, with the Constitution, you
15 guys don't have to put forth any evidence. They have to prove their side
16 of the story. But for me personally, kind of like she said, I'd -- it would
17 help me with my decision if you guys put forth, I guess, some resistance
18 and gave your side of the story as well.

19 MR. COYER: Would you say that those sentiments that you
20 just described are increased if the person saying that a crime was
21 committed is a police officer?

22 PROSPECTIVE JUROR NO. 1082: Yes. If -- it depends on
23 the evidence. Like, I don't know what exactly the -- I know what the
24 charges are, but I don't know the story behind it, what happened. Is
25 there footage of it? Is -- or is it just going to be his word? But it depends

1 what they're claiming. If they're claiming that something big went down,
2 but there's no proof other than their word, I'd expect there'd be more
3 proof than just this is what happened, I can't show it, I have no marks on
4 my body, but this is what happened. But it depends on what -- I guess
5 what they're saying happened.

6 MR. COYER: Okay. You can go ahead and pass the mic
7 down to Mr. Baborian -- yes?

8 PROSPECTIVE JUROR NO. 1090: You got it.

9 MR. COYER: All right. I didn't want to leave you out. I saw
10 that you raised your hand when I asked the question about positive
11 feelings for law enforcement when you heard the charges read.

12 PROSPECTIVE JUROR NO. 1090: Oh, yeah.

13 MR. COYER: Right?

14 PROSPECTIVE JUROR NO. 1090: Yeah.

15 MR. COYER: Okay. Would you elaborate on -- on your
16 feelings in that respect?

17 PROSPECTIVE JUROR NO. 1090: Just in the fact that, you
18 know, based on, like, egregious charges and seems like the State has
19 enough prosecution to prosecute, so automatically you're in favor of that
20 they went that route. So you're automatically kind of on the side that --
21 you're siding with the prosecution, in my mind.

22 MR. COYER: And part of that goes back to what happened
23 with your -- your uncle, right?

24 PROSPECTIVE JUROR NO. 1090: Yeah.

25 MR. COYER: Okay. Now, if we were here on like, you know,

1 possession of stolen vehicle case or something that's totally unlike what
2 happened to your uncle --

3 PROSPECTIVE JUROR NO. 1090: Uh-huh.

4 MR. COYER: -- would it be easier for you to --

5 PROSPECTIVE JUROR NO. 1090: Yeah. I'm going to tell
6 you straight out, yeah.

7 MR. COYER: Yeah. So if the evidence comes out and it to
8 you, starts to kind of be similar to what happened with your uncle --

9 PROSPECTIVE JUROR NO. 1090: Uh-huh.

10 MR. COYER: -- do you think that you would be able to sit as
11 an impartial juror?

12 PROSPECTIVE JUROR NO. 1090: But was there multiple
13 witnesses? Did they say that in the beginning?

14 MR. COYER: I can't answer that for you. But the evidence --

15 PROSPECTIVE JUROR NO. 1090: That's what I thought I
16 heard.

17 MR. COYER: We have to wait for the evidence portion --

18 PROSPECTIVE JUROR NO. 1090: Okay.

19 MR. COYER: -- to -- to answer that question.

20 PROSPECTIVE JUROR NO. 1090: I just -- I -- you asked
21 somebody this question, I believe, a little bit ago. And if -- it -- if I was in
22 his shoes, I don't know if I'd want somebody like a few -- me or a few of
23 the other people on this -- I'd want the fairest, most bipartisan -- partial --
24 no, I wouldn't want me on the -- I'm not trying to get out of jury duty. If I
25 was these guys, I'd want me on it.

1 MR. COYER: Okay. Well, I appreciate your -- your candor. I
2 do. Thank you very much.

3 PROSPECTIVE JUROR NO. 1090: I hate to say that, but --

4 MR. COYER: Like I said, there's no right or wrong answer so
5 thank you for sharing that. I appreciate it.

6 PROSPECTIVE JUROR NO. 1090: No problem.

7 MR. COYER: Let us pass the mic over to Ms. Buncio.
8 Did I say that right?

9 PROSPECTIVE JUROR NO. 1011: Yeah.

10 MR. COYER: Buncio?

11 PROSPECTIVE JUROR NO. 1011: Yeah.

12 MR. COYER: All right. Okay. Can you hear me okay?

13 PROSPECTIVE JUROR NO. 1011: Yeah.

14 MR. COYER: Okay. As I recall, you said that it depends,
15 when you were asked about whether or not you might be impartial
16 toward law enforcement; do you recall that?

17 PROSPECTIVE JUROR NO. 1011: Yeah. I remember that.

18 MR. COYER: Would you explain that answer a little more for
19 me?

20 PROSPECTIVE JUROR NO. 1011: It depends because, first
21 of all, if I have the time, I mean, I just travel a long year. That's so I'm
22 having a hard time. And depends on, what's this, depends on the --
23 the --

24 MR. COYER: Keep that mic up close to your mouth.

25 PROSPECTIVE JUROR NO. 1011: I don't know how to

1 answer. I don't know.

2 MR. COYER: Would you feel it would be difficult to -- to --
3 would you feel like if you voted not guilty, you were voting against law
4 enforcement?

5 PROSPECTIVE JUROR NO. 1011: No.

6 MR. COYER: Okay. Are you more likely to believe someone
7 if they are a law enforcement officer?

8 PROSPECTIVE JUROR NO. 1011: I think so.

9 MR. COYER: Okay. Would you like someone that feels that
10 way to be a juror if it was you that was on trial?

11 PROSPECTIVE JUROR NO. 1011: Maybe. Maybe. I'm not
12 so sure about it.

13 MR. COYER: Okay. I'm going to ask this question to the
14 entire group here now. And again, no right or wrong answers. We're
15 just trying to see how some of you think. Okay?

16 Is there anybody here who under no circumstances could
17 accept that a police officer was not telling the truth? Not seeing any
18 hands.

19 Go ahead and slide it down to Ms. Iaconi there.

20 Can you hear me?

21 PROSPECTIVE JUROR NO. 1048: Yes.

22 MR. COYER: Okay. You -- you had mentioned you had been
23 victimized several times?

24 PROSPECTIVE JUROR NO. 1048: Yes.

25 MR. COYER: Right? I'm sorry to hear that. And I know that

1 some of your experiences with law enforcement you described as very
2 positive, right?

3 PROSPECTIVE JUROR NO. 1048: Yes.

4 MR. COYER: Okay. So would you say that you're more likely
5 to side with or believe law enforcement because of your experiences?

6 PROSPECTIVE JUROR NO. 1048: We're almost
7 programmed that they're an authority and a higher -- they're held to a
8 higher standard. But you -- you have to look at everything. I understand
9 that.

10 MR. COYER: Based on your experiences, do you see law
11 enforcement as the good guys?

12 PROSPECTIVE JUROR NO. 1048: For the most part, I'd like
13 to think that.

14 MR. COYER: Okay. If you were on trial, do you think you
15 would be the kind of person you'd want on your jury?

16 PROSPECTIVE JUROR NO. 1048: That I would want
17 someone like me on my jury? Absolutely.

18 MR. COYER: Okay. So I'm going to ask another panel
19 question here. Has anybody ever been falsely accused of anything?
20 Okay.

21 Let's see, Mr. Sanders, right?

22 PROSPECTIVE JUROR NO. 977: Yeah.

23 MR. COYER: Raised his hand.

24 PROSPECTIVE JUROR NO. 977: Like I talked about earlier,
25 coming out of that bowling alley, I was accused of being the wrong

1 person and stuff like that. And that's not the only time. I've been
2 accused of stealing before, even though I have in the past. This is, like,
3 recently that I got stopped, had to go in the back. And it was just
4 somebody that looks like me. It wasn't me. So I sat there for a couple
5 hours and they let me go when they found out the real guy wasn't --

6 MR. COYER: So in -- in that experience, if you had had to
7 prove your own innocence, would you have been able to do it?

8 PROSPECTIVE JUROR NO. 977: Yeah. Because they had
9 cameras.

10 MR. COYER: Okay. Do you think that someone accused
11 should have to prove their own innocence or do you think that the
12 accusers should have to prove what they've accused?

13 PROSPECTIVE JUROR NO. 977: Both, in a sense. Like, if
14 I'm getting accused, I should be -- they have to prove that I'm doing
15 something wrong and I should be able to prove that I didn't do it wrong.

16 MR. COYER: Based on that, would you expect to see
17 something from the defense?

18 PROSPECTIVE JUROR NO. 977: Yes.

19 MR. COYER: Okay. Would you be able to vote not guilty if
20 we didn't do anything, but the State didn't prove their case either?

21 PROSPECTIVE JUROR NO. 977: Probably not.

22 MR. COYER: Okay.

23 THE COURT: Counsel, I'm going to stop you at this point.

24 MR. COYER: Is it 4:30? Okay.

25 THE COURT: Ladies and gentlemen, we're going to take our

1 evening recess.

2 During this recess you're admonished not to talk or converse
3 among yourselves or with anyone else on any subject matter connected
4 with this trial, or read, watch, or listen to any report or -- of or
5 commentary on the trial or any person connected with this trial by any
6 medium of information, including, without limitation, through social
7 media, text, newspapers, television, the Internet, and radio. At this
8 point, you haven't heard any testimony, but do not visit the scene of any
9 of the events mentioned during the trial or undertake any investigation.
10 Do not do any posting or communications on any social networking sites
11 or do any independent research, including Internet searches, or form or
12 express any opinion on any subject connected with the trial until the
13 case is finally submitted.

14 If you could return tomorrow at 11:30 and remain in the
15 hallway until the marshal brings you into the courtroom. As I advised
16 you, I anticipate taking our lunch break at approximately 1:30 tomorrow.
17 So we're going to have a little bit of a late lunch because we're having a
18 late start. So at this time we'll -- I'll excuse you and we're taking our
19 evening recess.

20 [Prospective jury panel recessed at 4:28 p.m.]

21 THE COURT: What I anticipate, we'll finish attorney voir dire.
22 I may ask some follow-up questions based on the attorney voir dire. I
23 don't know how much longer you have, Mr. Coyer.

24 MR. COYER: Very little, if any.

25 THE COURT: Okay. And then I'll just ask some -- may

1 follow-up questions. Then I'll take a recess and you can argue
2 challenges for cause. And, obviously, if any are removed for cause,
3 then I'll re-seat those vacant seats, go back through and ask the
4 individual voir dire. Then you'll be allowed to do attorney voir dire. And
5 then we'll do the same process again until we get 24 people that -- that
6 pass cause. And then we'll do the peremptory challenges.

7 MR. DICKERSON: From our end, I think that we'll plan on
8 trying to have a witness here by 12:30.

9 THE COURT: You're very optimistic.

10 MR. DICKERSON: Luckily, if I can make it happen. They're
11 police officers and we can have them wait around.

12 THE COURT: I'm hopeful to take testimony tomorrow
13 afternoon.

14 MR. DICKERSON: But other --

15 THE COURT: I'm not going to hold it against you --

16 MR. DICKERSON: Okay.

17 THE COURT: -- if we have to wait a little bit for a witness, but
18 I am hopeful to have a jury by the lunch hour.

19 MR. DICKERSON: Okay.

20 THE COURT: And then hopefully start taking some testimony.
21 I mean, I'm assuming, you know, the opening statements aren't going to
22 be lengthy. And then we'll start taking some testimony tomorrow
23 afternoon.

24 MR. DICKERSON: Okay. Great. I appreciate it, Your Honor.

25 THE COURT: Thank you. So if there's any -- I mean, both of

1 you are probably going to be here during my 9:00 calendar. You can
2 kind of gauge, if there's anything that needs to be brought to my
3 attention, please let my law clerk know before I bring the jury back in.

4 MR. DICKERSON: Absolutely.

5 MR. COYER: Will do.

6 THE COURT: Okay. All right. We're in recess until 11:30
7 tomorrow.

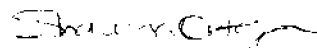
8 MR. DICKERSON: Thank you.

9 MR. COYER: Thank you, Your Honor.

10 MS. PLUNKETT: Thank you, Judge.

11 [Proceedings concluded at 4:31 p.m. until November 28, 2017,
12 at 11:30 a.m.]

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

22
23 

24 Shawna Ortega, CET*562
25



1 **RTRAN**

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5
6
7 **THE STATE OF NEVADA,**

8 **Plaintiff,**

9 **vs.**

10 **CEASAR SANCHAZ VALENCIA,**

11 **Defendant.**

} **Case No. C-16-315580-1**

} **DEPT. XVIII**

12
13 **BEFORE THE HONORABLE MARK B. BAILUS, DISTRICT COURT JUDGE**

14
15 **TUESDAY, NOVEMBER 28, 2017**

16 ***TRANSCRIPT OF PROCEEDINGS RE:***
17 **JURY TRIAL - PHASE I - DAY 2**

18 **APPEARANCES:**

19 **For the Plaintiff:**

MICHAEL DICKERSON, ESQ.

(Deputy District Attorney)

CHAD N. LEXIS, ESQ.

(Deputy District Attorney)

22 **For the Defendant:**

GREGORY E. COYER, ESQ.

ALEXIS ANNE PLUNKETT, ESQ.

24 **RECORDED BY: ROBIN PAGE, COURT RECORDER**
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EXHIBITS

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1 **LAS VEGAS, NEVADA, TUESDAY, NOVEMBER 28, 2017**

2 [Proceedings commenced at 11:34 a.m.]

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

5 THE COURT: Please be seated. This continuation of *State*
6 *vs. Sanchaz*, Case No. C-315580. Apparently, over the evening recess,
7 one of the potential jurors, Mr. Sanders, is claiming undue hardship. He
8 e-mailed the court. I'm going to provide counsel with a copy of the
9 e-mail.

10 MR. DICKERSON: Thanks.

11 [Pause in proceedings.]

12 THE COURT: And this can be a -- a court exhibit. I'm also
13 going to make this e-mail a court exhibit. Okay.

14 MR. DICKERSON: Judge --

15 THE COURT: What I was going to do, we're missing a couple
16 of potential jurors. I think a -- a couple haven't arrived yet. I was going
17 to bring Mr. Sanders in, advise him I got the e-mail, let you ask him a
18 couple questions, then excuse him and then we'll discuss whether he
19 qualifies for undue hardship, if he should be excused.

20 MR. LEXIS: State's going to object to that.

21 MR. COYER: Just to complete that record, Mr. Sanders, I
22 was told this morning, also approached my co-counsel, Ms. Plunkett.
23 And I'll let her make the representations as to what he said to her. We
24 just wanted the court to be aware of that since it was a communication
25 from a juror.

1 THE COURT: Why don't you put it on the record.

2 MS. PLUNKETT: And, Judge, Mr. Sanders approached me
3 outside in the hallway. He indicated that he had a hardship. He had
4 already sent an e-mail, and if I could alert the marshal so he did not
5 disrupt the proceedings. I said yes, and walked away.

6 THE COURT: Okay. I'm going bring him in, tell him that we
7 received the e-mail, and I was going to let counsel ask him some
8 questions. And then we'll excuse him. We'll discuss whether he
9 qualifies as an undue hardship.

10 So why don't you bring -- is Mr. Sanders out there?

11 THE MARSHAL: Yes, sir.

12 THE COURT: Why don't you bring him in.

13 [Prospective Juror No. 1082 entered courtroom.]

14 THE COURT: Mr. Sanders, why don't you -- come forward,
15 just come forward to the podium. Okay. No, to the podium.

16 PROSPECTIVE JUROR NO. 1082: Sorry.

17 THE COURT: That's okay. Two things. You have -- you
18 e-mailed the court this morning and I provided a copy of your e-mail to
19 both the prosecution and defense counsel. Also one of defense counsel
20 told me that you approached her this morning. Again, I'm going to
21 admonish you, do not attempt to speak with any counsel in this case
22 outside the presence of the court.

23 I have provided a copy of your request to be excused due to
24 an undue hardship. I'm going to allow counsel to ask you some
25 questions at this time.

1 Would it be easier, counsel, if I had him sit in the front row of
2 the -- the jury box?

3 MR. DICKERSON: Court's pleasure.

4 MR. COYER: I think so because there's a microphone that
5 will pick him up.

6 THE COURT: Why don't you sit in one of the chairs in the
7 front row. Thank you.

8 And for the record, this is Rex Sanders, Badge No. 1082.
9 State?

10 MR. LEXIS: State has no questions.

11 THE COURT: Mr. Coyer?

12 MR. COYER: I don't believe we have any questions for
13 Mr. Sanders either, Judge.

14 THE COURT: Okay. I do have a couple of questions. You
15 say you're a part-time student at CSN and you're taking online classes,
16 so you have a little bit of freedom with that. Why can't you complete
17 your classes -- I mean, your assignments at night? We're only going to
18 go -- so just you know, Mr. Sanders, because of the court's calendar, I
19 probably will never start before 11:30 in the morning and we'll never go
20 beyond 5:00. So we're only talking of that type of window. So you
21 would have sufficient time in the morning and in the evening to complete
22 your assignments, just so you're aware. And it's only going to probably
23 go to the end of the week, at most.

24 So it seems like you would have sufficient time to complete
25 your assignments, either in the morning -- and there may be some

1 mornings -- days we may not even go until later, depending on the
2 court's calendar. But the earliest I would probably go is 11:30 and I will
3 not go passed 5:00. And I anticipate on Thursday I'm not going to go
4 beyond 3:30. I believe it's Thursday I -- I'm going to break at 3:30. So I
5 think you would have sufficient time to complete your assignments, quite
6 frankly.

7 PROSPECTIVE JUROR NO. 1082: All right.

8 THE COURT: Okay?

9 PROSPECTIVE JUROR NO. 1082: Yes.

10 THE COURT: Okay. So counsel approach.

11 [Bench conference transcribed as follows:]

12 THE COURT: Does anybody think he qualifies for an undue
13 hardship?

14 MR. DICKERSON: Doesn't appear to --

15 THE COURT: Counsel for State.

16 MR. COYER: No --

17 THE COURT: I mean, counsel for defense?

18 MR. COYER: We don't have a position one way or the other.

19 MR. LEXIS: We want him to stay.

20 THE COURT: Okay. Well, at this --

21 MR. DICKERSON: And I think by his own letter, it just -- it
22 indicates that it's not really school that's a problem. It's work --

23 THE COURT: Well, based on my --

24 MR. DICKERSON: -- and he doesn't live paycheck to
25 paycheck.

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THE COURT: Right.

MR. DICKERSON: And so based on that --

THE COURT: I'm just -- I just not going to excuse him at this time for undue hardship. Okay?

MR. DICKERSON: Thank you.

THE COURT: Thank you.

[End of bench conference.]

THE COURT: Mr. Sanders, based on your representations and response to my questions, I'm not going to excuse you --

PROSPECTIVE JUROR NO. 1082: All right.

THE COURT: -- for an undue hardship.

PROSPECTIVE JUROR NO. 1082: All right.

THE COURT: All right. But thank you for notifying the court. And again, I'm going to admonish you, do not approach counsel. If -- if you are selected as a juror, do not approach counsel. They cannot talk to you. It would be improper for them to have what's called an ex parte communication with you. So if you are selected as a juror, please adhere to my admonishments.

PROSPECTIVE JUROR NO. 1082: Yes, Your Honor.

THE COURT: Okay. Thank you.

PROSPECTIVE JUROR NO. 1082: Thank you.

THE COURT: All right. And we'll call the -- I believe we're still waiting for a couple of people. We're still waiting for -- so if you could just wait outside, I appreciate it.

[Pause in proceedings.]

1 THE COURT: Mr. Coyer, how much longer do you think you
2 have on voir dire?

3 MR. COYER: Your Honor, I don't believe that we have much
4 longer. But I -- I was going to ask the court if the court had any objection
5 to Ms. Plunkett finishing it up?

6 THE COURT: I have no problem with that.

7 State, are you going to have any follow-up questions on voir
8 dire?

9 MR. LEXIS: No. Well, likely not.

10 THE COURT: Okay. What I was going to do, quite frankly, is
11 once Mr. -- or Ms. Bianca [sic] finishes the voir dire examination, I was
12 going to take a break, have you make your arguments if you're going to
13 make any challenges for cause. I was going to take a short recess,
14 review my notes, come back, make my determination. Depending on
15 whether I excuse anybody, then we'll have to re-seat whoever, go over
16 the same procedure during -- for court voir dire and then attorney voir
17 dire. Hopefully we'll have a jury before the lunch break.

18 MR. DICKERSON: Understood.

19 THE COURT: And I don't know if you have any witnesses
20 available today available or not.

21 MR. DICKERSON: We will, Your Honor.

22 THE COURT: Okay.

23 MR. LEXIS: Oh, we got several.

24 THE COURT: Okay. So again, to accommodate counsel, I'm
25 going to take the lunch break at 1 -- from 1:30 to 2:30 and we're going to

1 go to 5:00 today.

2 MR. DICKERSON: Great. Thank you very much.

3 THE COURT: Thank you.

4 MS. PLUNKETT: Thank you.

5 THE COURT: We'll be a short recess. As soon as the --

6 THE MARSHAL: They're here.

7 THE COURT: Oh, they're here? Then can you bring them in?

8 [Prospective jury panel reconvened at 11:44 a.m.]

9 THE COURT: All right. Let the record reflect that counsel for
10 the State and defense and the defendant are all present, and members
11 of the jury panel are also present.

12 Counsel, this is the continuation of attorney voir dire by the
13 defense. Are you prepared to go forward?

14 MS. PLUNKETT: Yes, Judge.

15 THE COURT: Okay. Proceed.

16 MS. PLUNKETT: Good morning, ladies and gentlemen.
17 Thank you for coming back today. Just as a reminder, my name is
18 Alexis Plunkett, and along with Gregory Coyer, we -- we represent
19 Ceasar Valencia.

20 I also want to remind everyone that we're just here today to
21 find 12 people with no bias who will listen to the evidence and decide
22 guilty or not guilty. We're not here to judge you. Okay. There's no right
23 or wrong answers.

24 I see that a lot of people somewhat work in the same industry
25 and this wasn't asked; does anyone in this courtroom know anyone else,

1 by a show of hands? Can I pass the microphone to Mr. Sanders.

2 PROSPECTIVE JUROR NO. 1082: Hey.

3 MS. PLUNKETT: Tell me who you know --

4 THE COURT: Sir, state your name and your badge number,
5 please.

6 PROSPECTIVE JUROR NO. 977: Christopher Sanders,
7 Badge No. 977.

8 THE COURT: Thank you.

9 PROSPECTIVE JUROR NO. 977: And I know
10 Mr. Antheaume.

11 MS. PLUNKETT: And how is it that you know
12 Mr. Antheaume?

13 PROSPECTIVE JUROR NO. 977: He is my boss.

14 MS. PLUNKETT: He's your boss. Okay. Is he your current
15 boss?

16 PROSPECTIVE JUROR NO. 977: Yes.

17 MS. PLUNKETT: And how long have you worked under him?

18 PROSPECTIVE JUROR NO. 977: Four years.

19 MS. PLUNKETT: Four years?

20 PROSPECTIVE JUROR NO. 977: Maybe three.

21 MS. PLUNKETT: In -- in what capacity do you work under
22 him? Is that as an administrator or substitute teacher?

23 PROSPECTIVE JUROR NO. 977: I'm a -- a long-term sub,
24 and then I coach for him also.

25 MS. PLUNKETT: Sure. Can you pass the microphone down

1 to Mr. Antheaume.

2 THE COURT: Sir, again, if -- if you have the microphone,
3 before you begin speaking, if you can just say -- state your name and
4 your badge number. Because we have a court recorder, so I need to
5 identify who is speaking.

6 PROSPECTIVE JUROR NO. 993: Sounds good. Xavier
7 Antheaume, Number 993.

8 MS. PLUNKETT: Thank you, Mr. Antheaume. Were you
9 involved in the hiring process of Mr. Sanders?

10 PROSPECTIVE JUROR NO. 993: Indirectly.

11 MS. PLUNKETT: Indirectly. If he were to be disciplined as an
12 employee, would you be involved in that process?

13 PROSPECTIVE JUROR NO. 993: Correct.

14 MS. PLUNKETT: And you would have the ability to end
15 Mr. Sanders' employment?

16 PROSPECTIVE JUROR NO. 993: Absolutely.

17 MS. PLUNKETT: Do you know anyone else in this
18 courtroom?

19 PROSPECTIVE JUROR NO. 993: Do not.

20 MS. PLUNKETT: And I think someone else -- will you pass
21 the microphone forward? Thank you, sir.

22 PROSPECTIVE JUROR NO. 1048: Sharon Iaconi,
23 Number 1048.

24 MS. PLUNKETT: And who do you know in this courtroom,
25 Ms. Iaconi?

1 PROSPECTIVE JUROR NO. 1048: Mr. Ed Blazer and I
2 worked briefly together. He issued my badge as -- as a temp employee
3 at the Water Reclamation District.

4 MS. PLUNKETT: And when did you work with Mr. Blazer?

5 PROSPECTIVE JUROR NO. 1048: 10 years ago.

6 MS. PLUNKETT: 10 years ago?

7 PROSPECTIVE JUROR NO. 1048: We almost didn't
8 recognize one another.

9 MS. PLUNKETT: Okay. So it's safe to say you haven't seen
10 him in 10 years?

11 PROSPECTIVE JUROR NO. 1048: Not at all, yeah. Yeah.

12 MS. PLUNKETT: Will you pass the badge [sic] back to
13 Mr. Antheaume briefly? Thank you.

14 PROSPECTIVE JUROR NO. 993: Xavier Antheaume, 993.

15 MS. PLUNKETT: Do you socialize with Mr. Sanders outside
16 of a work capacity?

17 PROSPECTIVE JUROR NO. 993: During school events. We
18 don't hang out on the weekends.

19 MS. PLUNKETT: Has Mr. Sanders ever been to your home?

20 PROSPECTIVE JUROR NO. 993: Never.

21 MS. PLUNKETT: Will you pass the mic forward up to
22 Mr. Blazer, please?

23 PROSPECTIVE JUROR NO. 1091: Yes, Edwin Blazer, 1091.

24 MS. PLUNKETT: It's safe to say you know Ms. Iaconi?

25 PROSPECTIVE JUROR NO. 1091: Yes.

1 MS. PLUNKETT: In a work capacity?

2 PROSPECTIVE JUROR NO. 1091: Yes.

3 MS. PLUNKETT: And when she said you issued her badge,
4 what -- can you describe what that means?

5 PROSPECTIVE JUROR NO. 1091: Right. I work in security.
6 I do all the badge access. And so I do the badges for all -- everybody
7 who comes through.

8 MS. PLUNKETT: How long did you and Ms. Iaconi work
9 together?

10 PROSPECTIVE JUROR NO. 1091: I don't remember. A
11 short time.

12 MS. PLUNKETT: Did you ever socialize --

13 PROSPECTIVE JUROR NO. 993: No.

14 MS. PLUNKETT: -- outside of work? Do you know anyone
15 else in this courtroom?

16 PROSPECTIVE JUROR NO. 1091: No, I don't.

17 MS. PLUNKETT: Thank you.

18 Does anyone else here know any of the other prospective
19 jurors who are not seated in the box right now? Let the record reflect no
20 one is raising their hand.

21 Thank you for that.

22 Let's see, Mr. Coyer asked you yesterday if anyone had been
23 accused of something that they felt they did not do. The only response
24 was Mr. Sanders in the back row, who described an event in a criminal
25 context with the police. Is there anyone else here who has been

1 accused of something that you believe you did not do? That does not
2 include a criminal context, it's not limited to a criminal context; that can
3 be an accusation from a parent, spouse, a brother, a sister, a boss, any
4 time that you feel as though you were accused of something you did not
5 do. Can I have a show of hands?

6 Can I pass the microphone back to Ms. Ramos, please? I
7 also -- I also have the names in front of me, so that helps.

8 PROSPECTIVE JUROR NO. 980: Esther Ramos, 0980.

9 MS. PLUNKETT: And in -- and can you tell me -- elaborate on
10 that a little bit?

11 PROSPECTIVE JUROR NO. 980: I was a housekeeper
12 working at Nellis Air Force Base in the hospital. And I was cleaning a
13 room. And somebody had left a drawer out. And I went to push it shut,
14 and I noticed that there was a lot of money in an envelope. So I went to
15 get a superior to tell him that the envelope with money was there and I
16 didn't want to be blamed if anything happened to it. He said, okay, that
17 he would take care of it. Well, the envelope was gone. And I was
18 accused of taking the money, because I cleaned the room. You know,
19 they had a little meeting. I told them my side of the story. And, well, I --
20 they -- you know, I was okay, obviously.

21 And, of course, he said he didn't take it either, that he had
22 closed it and -- it was a dental office. And when they asked the dental
23 technician who put it there, his explanation for leaving it there was, well,
24 if it's closed, people will open it to see what's in it. And if I leave it open,
25 nobody will bother with it. I don't know, but that's what he said. But

1 anyway, I -- I came out all right in the deal, but the money was still gone.

2 MS. PLUNKETT: Was that situation your word against the
3 word of another person?

4 PROSPECTIVE JUROR NO. 980: Yeah, I guess you would
5 say. I truly thought that I was going to be out of a job, because it's
6 always the housekeeper, you know what I mean?

7 MS. PLUNKETT: Sure.

8 PROSPECTIVE JUROR NO. 980: Uh-huh.

9 MS. PLUNKETT: Let's pass the mic, front row, Mr. Sanders.

10 PROSPECTIVE JUROR NO. 1082: Rex Sanders,
11 Badge No. 1082.

12 MS. PLUNKETT: Can you tell me a little bit about your
13 situation?

14 PROSPECTIVE JUROR NO. 1082: So I was in an accident.
15 And it was my word against their word, because there was no witnesses
16 that could say I went through an intersection and a lady turned left out in
17 front of me. And she said she had a green light and I said I had a green
18 light. And no witnesses could say who had a green light. And the police
19 officer, based off the light cycle and then the two words, issued me a
20 ticket for running a red light.

21 The ticket was dismissed. I think I had to pay the \$95 fee, but
22 I was happy to get the ticket gone. But because of the report, I took the
23 blame on the accident.

24 MS. PLUNKETT: Were you civilly sued for that accident?

25 PROSPECTIVE JUROR NO. 1082: Yes. Well, it stayed

1 within the insurance, but there -- I did have an attorney and all that.

2 MS. PLUNKETT: Did you testify in front of a judge --

3 PROSPECTIVE JUROR NO. 1082: No.

4 MS. PLUNKETT: -- regarding that accident?

5 PROSPECTIVE JUROR NO. 1082: No.

6 MS. PLUNKETT: It settled out of court?

7 PROSPECTIVE JUROR NO. 1082: I believe so.

8 MS. PLUNKETT: How did it make you feel that you were
9 essentially blamed for something that you were saying that you did not
10 do?

11 PROSPECTIVE JUROR NO. 1082: At first I was upset. But
12 then I just accepted it. The lady claimed she had some injuries. I came
13 out all right. My car was totaled, but I had no -- I broke my hand, but that
14 was it. So at first I was upset. But then it helped that it stayed in the
15 insurance policy that I had, so I didn't have to pay any out-of-hand other
16 than my rate going up. But I was just happy that she was getting the
17 treatment she needed.

18 MS. PLUNKETT: Would you feel different if you could have
19 possibly gone to jail over that accident?

20 PROSPECTIVE JUROR NO. 1082: Yeah. I would have --
21 there's some stuff that I tried to look into, but they said that the evidence
22 was -- like, some video footage, but the file was corrupted. I would have
23 definitely gone back and looked for another copy of that if it was more
24 than just money on the line.

25 MS. PLUNKETT: Sure.

1 And who else raised their hand to that question?

2 Will you pass the mic over to, is it Ms. Penrod?

3 PROSPECTIVE JUROR NO. 1089: Yes. Susan
4 Penrod, 1089.

5 MS. PLUNKETT: And what was your situation?

6 PROSPECTIVE JUROR NO. 1089: As a training consultant
7 with NV Energy, I was training six employees. And one of the
8 employees complained that I wasn't treating her fair, that I was picking
9 on her. And in a sense, I guess I was, because she wasn't doing very
10 well, so she felt like she was being profiled. It wasn't my intention to pick
11 on her. It was my intention to show her what she was doing incorrectly.

12 MS. PLUNKETT: So you believe that what she stated may
13 have been her belief, but not necessarily the full truth?

14 PROSPECTIVE JUROR NO. 1089: Yes.

15 MS. PLUNKETT: Thank you.

16 Who else raised their hand to that one? Is that all?

17 I apologize, but can we pass it back to Ms. Ramos?

18 PROSPECTIVE JUROR NO. 980: Oh, goodness. Esther
19 Ramos, Number 0980.

20 MS. PLUNKETT: Yesterday to Mr. Coyer, you described the
21 reading of the charges against Mr. Valencia, simply the reading of the
22 charges as "the nail in the coffin."

23 PROSPECTIVE JUROR NO. 980: Uh-huh.

24 MS. PLUNKETT: What would Ceasar have to do in your eyes
25 to get out of that coffin.

1 PROSPECTIVE JUROR NO. 980: Prove his innocence.

2 MS. PLUNKETT: You also said that it would be difficult to
3 vote not guilty if Ceasar does not testify himself; is that true?

4 PROSPECTIVE JUROR NO. 980: Yes, I think so.

5 MS. PLUNKETT: So even with the understanding that he has
6 a right to remain silent, that the State has to prove the case against
7 Mr. Valencia, you would still have a problem voting anything other than
8 guilty if you do not hear from Ceasar himself?

9 PROSPECTIVE JUROR NO. 980: Well, it would be better if
10 he spoke for himself.

11 MS. PLUNKETT: Does anyone else here agree with
12 Ms. Ramos; you would find it difficult to vote not guilty if you do not hear
13 from Ceasar himself?

14 And will you pass the mic to Mr. Sanders.

15 PROSPECTIVE JUROR NO. 977: Christopher Sanders, 977.

16 MS. PLUNKETT: Can you elaborate on that a little bit?

17 PROSPECTIVE JUROR NO. 977: I just feel like if I was in his
18 shoes, I would want to let my word out, let what -- my experiences, you
19 know, my side. You know, like, if I was about to go to jail, I would want
20 to -- everybody to know my side of it, not just their side. You know, I
21 want to prove the I'm guilty. I don't want to give a chance for them to
22 make sure I'm guilty.

23 MS. PLUNKETT: So you are looking for Mr. Valencia to prove
24 his innocence here?

25 PROSPECTIVE JUROR NO. 977: In a way.

1 MS. PLUNKETT: And I know yesterday when you described
2 an incident where you believe you were falsely accused of, I believe,
3 some type of theft --

4 PROSPECTIVE JUROR NO. 977: Uh-huh.

5 MS. PLUNKETT: -- and you mentioned a video to prove your
6 innocence; what if there is no video? What if you would have been
7 arrested on the word of a witness?

8 PROSPECTIVE JUROR NO. 977: I probably would have
9 went to jail. I mean, without the video, I was guilty. My word.

10 MS. PLUNKETT: And it's absolutely fine if you feel this way,
11 but would anyone else here find it difficult to find Ceasar not guilty if you
12 don't hear directly from him?

13 Will you pass the mic forward to Mr. Sanders.

14 PROSPECTIVE JUROR NO. 1082: Rex Sanders,
15 Badge 1082.

16 MS. PLUNKETT: And can you elaborate on that a little bit?

17 PROSPECTIVE JUROR NO. 1082: So I guess with my
18 accident, I -- I feel like I annoyed my lawyer at first, because I was trying
19 to do everything that I figured they -- they're going to try, but I figured if I
20 tried, then there's two chances of finding something. So for me
21 personally, I was -- not necessarily that I had to prove my innocence, but
22 I was going at it that if I'm going to go to court, then I'm going to make
23 sure I share everything that I can about it to put myself in the best
24 situation.

25 So to me, I guess my way of thinking is I've got to prove my

1 innocence, because if I don't say anything and someone else says
2 something and I just keep quiet, then to me it makes sense that they
3 would win because they're the only ones that shared any evidence.

4 MS. PLUNKETT: Would you feel differently if you were
5 subject to a cross-examination by someone who is there to destroy your
6 story?

7 PROSPECTIVE JUROR NO. 1082: I would definitely want to
8 take my time with my answers. Because me, personally, I start going
9 with something and then I just kind of keep going. And then there's
10 times that I'm, like, that's not what I actually meant. Like the -- the
11 accident, at first I told the police officer I was not running a yellow light.
12 And then I had the thought, like, he's going to think I was -- I ran a red
13 light or something. So I said to him, Just so you know, I meant I had a
14 green light, but then I got the running a red light. So I don't know if that
15 had anything to do with it. But after that incident, I realized I need to
16 really pick my words.

17 So I'm not sure with the cross-examination, I guess if it's -- if I
18 were to put myself up in a spot to be cross-examined, I'd still do it, but I
19 would make sure I definitely know what I want to say and take my time
20 with my answers.

21 MS. PLUNKETT: You mentioned how you changed some
22 details of that story. If someone tells you a story and re-tells the story
23 and some details have changed, how do you feel about that story?

24 PROSPECTIVE JUROR NO. 1082: I guess even with my
25 own -- if you change the story, that leaves doors open for -- you're

1 changing the story. How credible is it? So, I guess, depending on the
2 details, I guess even with my own, I would see the details changing as a
3 problem.

4 MS. PLUNKETT: It's a problem in the sense that your
5 credibility was called into question?

6 PROSPECTIVE JUROR NO. 1082: Yeah. I can see why,
7 with what I said and how I changed things, that I was found at fault for
8 my thing. So I could see why for other people it would have that same
9 effect.

10 MS. PLUNKETT: Thank you.

11 Does anyone else agree with Mr. Sanders, that if you hear a
12 story and you hear the story again and details have changed, that that
13 person's credibility is called into question? Does anyone agree with that
14 by a show of hands?

15 Will you pass the mic back to Ms. Higgs.

16 PROSPECTIVE JUROR NO. 1034: Dee Higgs, Badge 1034.

17 MS. PLUNKETT: Thank you. Can you elaborate on that a
18 little bit?

19 PROSPECTIVE JUROR NO. 1034: Well, if someone is telling
20 a story, they're the one, obviously, that's -- that has experienced it,
21 they're telling the story, there shouldn't be a reason why they would
22 change the details in it. And yeah, I would question their credibility.

23 MS. PLUNKETT: Thank you.

24 Can you pass the mic to Ms. Johnson.

25 PROSPECTIVE JUROR NO. 1045: Sonya Johnson, 1045.

1 MS. PLUNKETT: Do you agree with Ms. Higgs' sentiment?

2 PROSPECTIVE JUROR NO. 1045: Yeah, to an extent. I feel
3 like the truth is the truth and your story, in detail, should be the same, no
4 matter what. But I can understand if, in the moment, you're trying to say
5 one thing but your words get jumbled and you try to correct it also. In
6 your mind, you're just correcting what happened. But to the other
7 person, it can seem like your credibility is shot.

8 MS. PLUNKETT: And you would be able to listen to multiple
9 stories and determine what you believe is correct?

10 PROSPECTIVE JUROR NO. 1045: Yes.

11 MS. PLUNKETT: Okay. Who else raised their hand to that?
12 Will you pass the mic to Mr. Bucsit?

13 PROSPECTIVE JUROR NO. 1043: Leonard Bucsit,
14 Badge No. 1043.

15 MS. PLUNKETT: Thank you. Would you agree with
16 Ms. Johnson, that if details of a story have changed, that you would be
17 able to determine on your own, based on other evidence, what you
18 believe happened?

19 PROSPECTIVE JUROR NO. 1043: Well, if he's telling the
20 truth, then it would be okay. But after if everybody else would change
21 the story, then now would have to have evidence, you know. So he
22 would have to come up and let us know what was the real truth.
23 Because story changes, so you be listening to one story for the longest
24 time, and all of a sudden a different story would change.

25 MS. PLUNKETT: If the complaining witness tells multiple

1 stories, would you then want evidence --

2 PROSPECTIVE JUROR NO. 1043: Yes.

3 MS. PLUNKETT: -- to back up --

4 PROSPECTIVE JUROR NO. 1043: Yes.

5 MS. PLUNKETT: Thank you.

6 Court's indulgence one moment.

7 Mr. Bucsit, will you pass the mic behind you to Mr. Sanders.

8 PROSPECTIVE JUROR NO. 977: Christopher Sanders, 977.

9 MS. PLUNKETT: Thank you. I just have one follow-up
10 question. If you and Mr. Antheaume were both selected to be on this
11 jury, would you feel any pressure, due to your subordination, to vote
12 along with Mr. Antheaume?

13 PROSPECTIVE JUROR NO. 977: I mean, if he was, like, if
14 you don't vote guilty, you're fired, then yeah, I would. But other than
15 that, I don't think so.

16 MS. PLUNKETT: Would it be an uncomfortable situation for
17 you to be on the jury with Mr. Antheaume?

18 PROSPECTIVE JUROR NO. 977: A little bit, because if we
19 disagree, it's kind of weird to butt heads with your boss.

20 MS. PLUNKETT: You would be less likely to express your
21 true opinion with Mr. Antheaume on the jury?

22 PROSPECTIVE JUROR NO. 977: Yes.

23 MS. PLUNKETT: Thank you.

24 I think I'm done, Judge.

25 THE COURT: Thank you.

1 Any additional questions by counsel --

2 MR. LEXIS: Yes.

3 THE COURT: -- of this jury panel?

4 MR. LEXIS: I just want to clarify some stuff, folks. As you
5 heard the judge say, as you heard me say earlier, the State has the
6 burden of proof; does anyone disagree with that?

7 As defense counsel came up here and brought out, some of
8 you want the defendant to testify. Well, that's not the law. Okay. All of
9 you -- is there anyone here that will not follow the law that is given to you
10 by the judge? Let the record reflect no response.

11 The State has the burden of proof. If we call up a witness,
12 one witness, and they say, Oh, I think it might be that guy, I'm
13 not -- 50/50, the State hasn't met their burden of proof. The defendant
14 does not need to testify. They don't need to come up here and say oh,
15 yeah, and prove that I wasn't the guy. We have not met our burden, so
16 he's not guilty. Wanting him to testify is not the standard; us proving our
17 case is the standard. Does anybody have a problem with that? Let the
18 record reflect, no response.

19 Defense counsel also brought up stories and how they --
20 somebody reflects them when they change them.

21 Can you please pass the mic to 1045, ma'am.

22 And I believe you stated something to the effect that it's going
23 to depend maybe on the moment?

24 PROSPECTIVE JUROR NO. 1045: Yes.

25 MR. LEXIS: All right. If somebody came in this room right

1 now and start attacking one of the COs and we took voluntary
2 statements from everybody, do you think everyone is going to say the
3 exact same thing?

4 PROSPECTIVE JUROR NO. 1045: No, not at all.

5 MR. LEXIS: Okay. Do you think maybe sometimes
6 somebody might think that they came from the right-hand side, or maybe
7 it was a left punch instead of a right punch or et cetera, et cetera?

8 PROSPECTIVE JUROR NO. 1045: Yes.

9 MR. LEXIS: Okay. Does anyone disagree with that? Does
10 anyone think, oh, yeah, it's -- even when the -- when you're in the
11 moment, and then afterwards everything needs to line up perfectly and
12 everybody is going to have to say the same story every time, per detail,
13 for them to be credible? Let the record reflect, no response.

14 Nothing further, Your Honor.

15 THE COURT: At this time, ladies and gentlemen, there's
16 some housekeeping matters that the court and counsel need to take
17 care of. I'm going to have a -- a short recess.

18 So during the recess you're admonished not to talk or
19 converse among yourselves or with anyone else on any subject
20 connected with this trial, read, watch, or listen to any report or
21 commentary on the trial or any person connected with this trial by any
22 medium of information, including, without limitation, social media, text,
23 newspapers, television, the Internet, and radio; do not do any posting or
24 communications on any social network sites or do any independent
25 research, including Internet searches, or form or express any opinion on

1 any subject connected with the trial until the case is submitted to you.

2 It will probably be a minimum of a 15-minute
3 recess, 15-20 minutes, so don't go far. But at this point, I'm going to
4 excuse you and we have to take care of some housekeeping matters.

5 [Prospective jury panel recessed at 12:11 p.m.]

6 THE COURT: Counsel, do you need a few minutes to review
7 your notes or are you prepared to go? Hold on.

8 MR. LEXIS: We're good to, Judge.

9 THE COURT: Defense?

10 MR. COYER: We're ready, Judge.

11 THE COURT: Okay.

12 MR. LEXIS: I think the most obvious ones, Judge, are 1018
13 and 1063 --

14 THE COURT: Hang on a second. Let me get my chart. So at
15 this time, I'll start with the State first.

16 State, do you have any challenges for cause.

17 MR. LEXIS: Yes. 1018 and 1063, both for language issues. I
18 believe one said 13 percent of everything we were saying she
19 understood and the other said 15 percent.

20 MS. PLUNKETT: I thought he said five.

21 MR. DICKERSON: Five.

22 MR. LEXIS: Or five.

23 THE COURT: So that's Badge No. 1018, and what was the
24 second badge number, counsel?

25 MR. LEXIS: 1063.

1 THE COURT: Okay. Any other challenges for cause,
2 counsel?

3 MR. LEXIS: No, Your Honor.

4 THE COURT: Okay. Defense?

5 MR. COYER: Your Honor, we do not object to the removal
6 of 1018, Ms. Khuu, and 1063, Mr. Lopez.

7 THE COURT: Does the defense have any other challenges
8 for cause?

9 MR. COYER: Yes, Your Honor. We have five. The first one
10 is Ms. Esther Ramos, Badge 0980. This is the woman who, if you will
11 recall, mentioned that her son was murdered and the case remained
12 unsolved. She -- we all spent, I think, a little bit of time focused on her.
13 And she was very equivocal in her answers about whether or not her
14 feelings with respect to what happened with her son would -- would
15 cause her to be able to sit as a fair and impartial juror. She specifically
16 said at one point she felt she didn't get justice. That's -- that's troubling,
17 I think, for obvious reasons. She also stated at one point that
18 Mr. Valencia should have to prove his innocence, those were her words.

19 Given all of those factors, Judge, I think that she meets the
20 criteria to be stricken for cause. And I would cite to the *Preciado v. State*
21 case in support of that motion, 318 P.3rd 176. Supreme court said a
22 prospective juror who is anything less than unequivocal about her
23 impartiality should be excused for cause. So that's our first challenge,
24 Judge.

25 THE COURT: Any others, counsel?

1 MR. COYER: Yes, Your Honor. Our second one is for John
2 Baborian, Badge No. 1090. This is the gentleman you may recall who
3 stated that his -- he had a very close uncle who was chasing a suspect
4 through the streets of New York City and was killed in that pursuit.
5 Those facts are, in some ways, similar to the facts of this case, in the
6 sense that there's a -- there's a chase from the police to, you know,
7 engaged him with a suspect. And that's when the alleged assault
8 occurs, is during this foot pursuit.

9 At one point yesterday when I pressed him, he did say that he
10 was, "I am partial." That was specifically with respect to a bias toward
11 law enforcement. So I think given that, he also meets the criteria to be --
12 to be stricken for cause, Judge.

13 Third, if I may continue, is Glenn Locke, Badge 1004. He was
14 kind of all over the map. But at one point he did state that he had a bias
15 in favor of law enforcement. And I would also -- I have some concerns
16 that he was one of the individuals who saw my co-counsel in the news.
17 We approached the bench, he said that it wouldn't affect him, as I recall.
18 But nonetheless, I think in an abundance of caution, he should be
19 stricken for cause.

20 Fourth is Marissa Buncio -- Buncio, Badge No. 1011. When
21 asked about a bias toward law enforcement, her answer was, "It
22 depends." That was her first answer that she was -- that she gave.

23 And then finally, Christopher Sanders, Badge No. 0977. He
24 clearly stated just recently that he needs to hear from the defendant. He
25 wants to hear him speak up for himself. He wants to hear the defendant

1 testify. It would be very difficult for him to vote in our favor if he doesn't
2 hear that.

3 I also have a concern with him being subordinate to
4 Mr. Antheaume. We don't have a basis to strike Mr. Antheaume for
5 cause at this time, so he may end up on the jury. And I -- I don't think it
6 would be proper for Mr. Sanders to be under the pressure of potentially
7 trying to vote against his boss. I think he clearly indicated that would
8 make him feel uncomfortable.

9 So those are our five challenges, Judge.

10 MR. LEXIS: What was the fourth one?

11 MR. COYER: Marissa Buncio --

12 MR. LEXIS: What's --

13 MR. COYER: -- 1011.

14 THE COURT: State, do you want to be heard in opposition of
15 the defense challenges for cause?

16 MR. LEXIS: Yes. As far as 977, we have no objection to
17 kicking that person.

18 THE COURT: To excusing him?

19 MR. LEXIS: Yes.

20 THE COURT: Okay.

21 MR. LEXIS: As far as 1045 --

22 MR. COYER: Wait, I didn't -- I didn't mention a 1045.

23 MR. LEXIS: Sorry. 1090 --

24 MR. COYER: Okay.

25 MR. LEXIS: -- I mean, Judge, that's not the standard, as far

1 as having similar facts as the case at hand. This individual said,
2 pressed, when asked the group the question and individual questions,
3 he could be fair and impartial. And once it was explained to them that
4 the defendant does not need to testify and the State has the burden of
5 proof, same for several of his other challenges, once they were -- they
6 just don't know the law. But once they were instructed that State has the
7 burden of proof, he doesn't need to prove his innocence, he doesn't
8 need to take the stand, they all unequivocally did not have any
9 opposition to the fact that they're going to follow the law and not hold
10 that against him.

11 As far as objections related to police, they -- they all have their
12 own common sense and background and experience. And once again,
13 when pressed and say -- and given the example, can they be fair and
14 impartial? Yes. Will you not give automatically, just say oh, yeah,
15 they're automatically telling the truth, whether it's a doctor, firefighter,
16 officer, they all unequivocally stated no, as well. So we would object to
17 the other four for-cause challenges.

18 THE COURT: Thank you, counsel. I'm going to take a brief
19 recess.

20 [Court recessed at 12:19 p.m. until 12:31 p.m.]

21 [Outside the presence of the prospective jury panel.]

22 THE COURT: I'm going to excuse the following jurors --
23 potential jurors for cause. Badge No. 1018; Badge No. 1063;
24 Badge No. 0977; Badge No. 0980; and Badge No. 1090.

25 Randy, I'm going to bring them in, excuse those individuals,

1 and then we'll -- and then the clerk will re-seat those individuals starting
2 with the lowest number.

3 Is that correct, Mr. Castle?

4 Anything further, counsel?

5 MR. LEXIS: No, Your Honor.

6 MR. COYER: Not from the defense.

7 THE COURT: Okay. Let's bring the jury panel back in.

8 [Prospective jury panel reconvened at 12:33 p.m.]

9 THE COURT: Let the -- let the record reflect the presence of
10 counsel for the State, counsel for the defense, the defendant, and the
11 jury panel.

12 At this time, I would like to thank and excuse Ms. Khuu,
13 Badge No. 1018; Mr. Lopez, Badge No. 1063; Mr. Sanders,
14 Badge No. 0977; Ms. Ramos, Badge No. 0980; and Mr. Baborian,
15 Badge No. 1090.

16 THE CLERK: Wesley Layne, Badge No. 10 --
17 correction, 1101; Ronquillo Domingo, Badge No. 1104; Grace Eldridge,
18 Badge No. 1105; Edward Keith, Badge No. 1110; Amy McTeir,
19 Badge No. 1126.

20 THE COURT: As those individuals have been newly seated in
21 the jury box, I need to ask you similar questions that I asked the
22 previous individuals.

23 Mr. Layne --

24 PROSPECTIVE JUROR NO. 1101: Yes.

25 THE COURT: -- Badge No. 1101?

1 PROSPECTIVE JUROR NO. 1101: Yes.

2 THE COURT: Sir, how long have you lived in Clark County,

3 Nevada?

4 PROSPECTIVE JUROR NO. 1101: 28 years.

5 THE COURT: And how far did you go in school?

6 PROSPECTIVE JUROR NO. 1101: Some college.

7 THE COURT: Okay. And, sir, what is your occupation?

8 PROSPECTIVE JUROR NO. 1101: Retired carpenter.

9 THE COURT: And what is your marital status?

10 PROSPECTIVE JUROR NO. 1101: Widowed. My late wife

11 was a dealer at the Mirage.

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

13 PROSPECTIVE JUROR NO. 1101: Yes. My daughter is 39.

14 She's a senior project manager for Wynn Design & Development,

15 currently employed in Boston. And my son is in northern Utah, 38 years

16 old, involved in the building trades there.

17 THE COURT: Thank you, sir. Have you ever served as a

18 juror before?

19 PROSPECTIVE JUROR NO. 1101: No.

20 THE COURT: Have you ever testified as a witness in a

21 criminal matter?

22 PROSPECTIVE JUROR NO. 1101: No.

23 THE COURT: Have you or close family member ever been

24 convicted of a crime?

25 PROSPECTIVE JUROR NO. 1101: Yes. Drunken driving, 30

1 years ago.

2 THE COURT: And was that you, sir?

3 PROSPECTIVE JUROR NO. 1101: That was me, yes.

4 THE COURT: Okay. Is there anything about that experience
5 that would make it difficult for you to be fair and impartial to both sides in
6 this case?

7 PROSPECTIVE JUROR NO. 1101: No. My memory is not
8 that good.

9 THE COURT: Have you or close family member ever been
10 the victim of a crime?

11 PROSPECTIVE JUROR NO. 1101: We had a burglary in the
12 house. My wife was doing an in-home drug test for an insurance policy.
13 While she was in the bathroom giving a specimen, the woman stole the
14 jewelry off the island. She insisted that that had happened, and I said,
15 oh, you're -- but she called Metro and they came and investigated.
16 Ultimately recovered the stuff, so --

17 THE COURT: Okay. And so you were satisfied how Metro --

18 PROSPECTIVE JUROR NO. 1101: Oh, absolutely. Yeah.

19 THE COURT: -- handled the situation?

20 PROSPECTIVE JUROR NO. 1101: Yeah.

21 THE COURT: Okay. Was there anything about that
22 experience -- well, was there anything about that experience that would
23 make it difficult for you to be fair and impartial to both sides?

24 PROSPECTIVE JUROR NO. 1101: No.

25 THE COURT: Besides anything you've already told us, do

1 you have any close relatives or friends who have ever been engaged in
2 law enforcement?

3 PROSPECTIVE JUROR NO. 1101: Yeah. I have one very
4 close friend that's a Metro officer.

5 THE COURT: Currently?

6 PROSPECTIVE JUROR NO. 1101: Yes.

7 THE COURT: Do you ever speak to him about his job?

8 PROSPECTIVE JUROR NO. 1101: Matter of fact, he called
9 me this morning and we talked for a little bit. Not coincidentally, a little
10 bit about this process.

11 THE COURT: Okay. Did you ever talk to him -- have you
12 ever talked to him about his job, what he does?

13 PROSPECTIVE JUROR NO. 1101: Yeah, occasionally.

14 THE COURT: Okay. And does he just tell you about different
15 events that he's involved in?

16 PROSPECTIVE JUROR NO. 1101: Yeah. Just some of the
17 more bizarre ones, yeah.

18 THE COURT: Okay. Does your knowledge about your
19 friend's job affect your ability to be fair and impartial in this case?

20 PROSPECTIVE JUROR NO. 1101: No.

21 THE COURT: And it's anticipated that certain law
22 enforcement officers will testify in this case; will you give more credibility
23 to their testimony by the mere fact that they're law enforcement officers?

24 PROSPECTIVE JUROR NO. 1101: No.

25 THE COURT: And do you agree that if you are chosen to

1 serve as a juror in this case that you will honor your duty to be
2 completely fair and impartial and to listen carefully to all the evidence in
3 the case?

4 PROSPECTIVE JUROR NO. 1101: Yes.

5 THE COURT: Thank you, sir. Could you pass the
6 microphone down.

7 Mr. Domingo?

8 PROSPECTIVE JUROR NO. 1104: Yes, Your Honor.

9 THE COURT: And your badge number is 1104?

10 PROSPECTIVE JUROR NO. 1104: Yes, Your Honor.

11 THE COURT: Okay. Sir, how long have you lived in Clark
12 County, Nevada?

13 PROSPECTIVE JUROR NO. 1104: 17 years.

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

15 PROSPECTIVE JUROR NO. 1104: High school.

16 THE COURT: And what is your occupation, sir?

17 PROSPECTIVE JUROR NO. 1104: Bellagio, a [indiscernible]
18 runner.

19 THE COURT: I'm sorry?

20 PROSPECTIVE JUROR NO. 1104: Bellagio, sir.

21 THE COURT: Okay. And what is your marital status?

22 PROSPECTIVE JUROR NO. 1104: Married.

23 THE COURT: And what does -- what is the occupation of
24 your spouse?

25 PROSPECTIVE JUROR NO. 1104: Housekeeping.

1 THE COURT: Okay. And do you have any children, sir?
2 PROSPECTIVE JUROR NO. 1104: Yes, two. Two kids.
3 THE COURT: And how old are they?
4 PROSPECTIVE JUROR NO. 1104: 24 and 20.
5 THE COURT: And as to the 24 year old, what does that
6 person do for a living?
7 PROSPECTIVE JUROR NO. 1104: He's working Blue Martini
8 as a kitchen worker.
9 THE COURT: Okay. And your younger child?
10 PROSPECTIVE JUROR NO. 1104: Stay home. Maybe next
11 year just go to college.
12 THE COURT: Okay. Have you ever served as a juror before?
13 PROSPECTIVE JUROR NO. 1104: No, sir.
14 THE COURT: No?
15 PROSPECTIVE JUROR NO. 1104: No.
16 THE COURT: Have you ever testified as a witness in a
17 criminal matter?
18 PROSPECTIVE JUROR NO. 1104: No, sir.
19 THE COURT: Have you or close family member ever been
20 convicted of a crime?
21 PROSPECTIVE JUROR NO. 1104: No.
22 THE COURT: Have you or close family member ever been
23 the victim of a crime?
24 PROSPECTIVE JUROR NO. 1104: No, sir.
25 THE COURT: Besides anything you have already told us, do

1 you have any close relatives or friends who have ever been engaged in
2 law enforcement? Do you have any friends or family members who are
3 or police officers, federal agents, anything in law enforcement?

4 PROSPECTIVE JUROR NO. 1104: Nothing, sir. No.

5 THE COURT: Okay. Are you picking him up?

6 THE COURT RECORDER: Yeah.

7 THE COURT: If you could just speak up just a little bit so my
8 court recorder can -- can record this, I'd appreciate it.

9 PROSPECTIVE JUROR NO. 1104: Sorry, Your Honor. I'm
10 not really speak English.

11 THE COURT: All right. You don't really have anybody in law
12 enforcement? You don't know anybody in law enforcement?

13 PROSPECTIVE JUROR NO. 1104: No, sir.

14 THE COURT: Okay. It is anticipated that certain law
15 enforcement officers will testify in this case; will you give more credibility
16 to their testimony by the mere fact that they are law enforcement
17 officers?

18 PROSPECTIVE JUROR NO. 1104: [No audible response.]

19 THE COURT: Some law enforcement officers may testify in
20 this case; are you going to believe them more so than anybody else just
21 because of the mere fact that they're a law enforcement officer?

22 PROSPECTIVE JUROR NO. 1104: I didn't understand, sir.

23 THE COURT: I'm sorry, sir?

24 PROSPECTIVE JUROR NO. 1104: I'm not -- I'm not
25 understand, sir.

1 THE COURT: Okay. Are -- are you having difficulty
2 understanding what I'm telling you, sir?

3 PROSPECTIVE JUROR NO. 1104: I understand a little bit,
4 you know.

5 THE COURT: Okay. Is there anything that you haven't
6 understood that I've asked you previously? Have you understood
7 everything I've asked you?

8 PROSPECTIVE JUROR NO. 1104: Yes, sir.

9 THE COURT: Okay. And my question is, it's anticipated that
10 certain law enforcement officers may testify in this case. Are you going
11 to believe them over somebody else who's not a law enforcement officer
12 just because they're a law enforcement officer? Are you willing to listen
13 to all the witnesses before you make a decision?

14 PROSPECTIVE JUROR NO. 1104: Yes, sir.

15 THE COURT: You're willing to listen to all the witnesses
16 before you make a decision?

17 PROSPECTIVE JUROR NO. 1104: Yes.

18 THE COURT: Okay. And do you agree that if you are chosen
19 to serve as a juror in this case that you will honor your duty to be
20 completely fair and impartial and listen to all of the evidence; do you
21 agree that -- that, sir?

22 PROSPECTIVE JUROR NO. 1104: Yeah, I agree, sir.

23 THE COURT: Okay. If you could, pass the microphone to
24 Mr. Eldridge -- Ms. Eldridge, I'm sorry.

25 And your badge number is 10 -- 1105; is that correct?

1 PROSPECTIVE JUROR NO. 1105: Yes. Correct.
2 THE COURT: Ma'am, how long have you lived in Clark
3 County, Nevada?
4 PROSPECTIVE JUROR NO. 1105: 10 years.
5 THE COURT: And how far did you go in school?
6 PROSPECTIVE JUROR NO. 1105: High school graduate.
7 THE COURT: And what is your occupation?
8 PROSPECTIVE JUROR NO. 1105: Currently, I'm a
9 housewife.
10 THE COURT: Okay. What did you do before that? You said
11 currently; did you have an occupation before?
12 PROSPECTIVE JUROR NO. 1105: Yeah. I did -- I work as a
13 tour guide on tour bus driver, a little period of time, like a dealer --
14 dealer.
15 THE COURT: Okay. And are you married?
16 PROSPECTIVE JUROR NO. 1105: Yes, I'm married.
17 THE COURT: And what is the occupation of your spouse?
18 PROSPECTIVE JUROR NO. 1105: He's a financial advisor.
19 THE COURT: Okay. And do you have any children?
20 PROSPECTIVE JUROR NO. 1105: No, I don't.
21 THE COURT: Okay. Have you ever served as a juror before?
22 PROSPECTIVE JUROR NO. 1105: No.
23 THE COURT: All right. Have you ever testified as a witness
24 in a criminal matter?
25 PROSPECTIVE JUROR NO. 1105: No.

1 THE COURT: Have you or close family member ever been
2 convicted of a crime?

3 PROSPECTIVE JUROR NO. 1105: No.

4 THE COURT: I'm sorry. Have you or close family member
5 ever been the victim of a crime?

6 PROSPECTIVE JUROR NO. 1105: Yes.

7 THE COURT: And could you explain, please?

8 PROSPECTIVE JUROR NO. 1105: About 10 years ago, my
9 sister got robbed and the guy grab her bag from behind, so her arm got
10 dislocated.

11 THE COURT: Was that here in Clark County, Nevada?

12 PROSPECTIVE JUROR NO. 1105: No. It was in California.

13 THE COURT: Okay. Do you believe that experience by your
14 sister would make it difficult for you to be fair and impartial to both sides
15 in this case?

16 PROSPECTIVE JUROR NO. 1105: I believe no.

17 THE COURT: So you could be fair and impartial?

18 PROSPECTIVE JUROR NO. 1105: Yes.

19 THE COURT: Okay. Besides anything you have already told
20 us, do you have any close relatives or friends who have ever been
21 engaged in law enforcement?

22 PROSPECTIVE JUROR NO. 1105: No.

23 THE COURT: Okay. And it's anticipated that certain law
24 enforcement officers will testify in this case; will you give more credibility
25 to their testimony by the mere fact that they are law enforcement

1 officers?

2 PROSPECTIVE JUROR NO. 1105: No.

3 THE COURT: And do you agree that if you are chosen to
4 serve as a juror in this case, that you will honor your duty to be
5 completely fair and impartial and to listen carefully to all of the evidence
6 in this case?

7 PROSPECTIVE JUROR NO. 1105: Yes, I will. But I got to
8 state something. My English level actually is not that good. My
9 understanding is a little worse than my speaking, so --

10 THE COURT: Okay. Have you not understood anything I've
11 said to you today?

12 PROSPECTIVE JUROR NO. 1105: I understand.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 1105: But I have to say that,
15 because I don't want to cause any misunderstanding.

16 THE COURT: No, I understand. And is English a second
17 language?

18 PROSPECTIVE JUROR NO. 1105: Yes.

19 THE COURT: And what's your first language?

20 PROSPECTIVE JUROR NO. 1105: Chinese.

21 THE COURT: Okay. If you don't understand anything that is
22 said, raise your hand. Okay.

23 PROSPECTIVE JUROR NO. 1105: Okay.

24 THE COURT: Let me know that you don't understand
25 something.

1 PROSPECTIVE JUROR NO. 1105: Okay.
2 THE COURT: Okay?
3 PROSPECTIVE JUROR NO. 1105: Okay.
4 THE COURT: All right. Thank you. If you could pass the
5 microphone down to Mr. Keith.
6 And you are Mr. Keith, Badge No. 1110?
7 PROSPECTIVE JUROR NO. 1110: Yes.
8 THE COURT: Okay. It's going to be no surprise what I'm
9 going to ask you, sir. How long have you lived in Clark County,
10 Nevada?
11 PROSPECTIVE JUROR NO. 1110: I've lived here 12 years,
12 but I also lived here five years in the 1970s.
13 THE COURT: Okay. And when did you move back?
14 PROSPECTIVE JUROR NO. 1110: I --
15 THE COURT: About 12 years ago?
16 PROSPECTIVE JUROR NO. 1110: Yes, 2005.
17 THE COURT: And how far did you go in school, sir?
18 PROSPECTIVE JUROR NO. 1110: I have a master's degree.
19 THE COURT: In what?
20 PROSPECTIVE JUROR NO. 1110: In business
21 administration.
22 THE COURT: All right. And what is your occupation?
23 PROSPECTIVE JUROR NO. 1110: I'm retired.
24 THE COURT: And what did you do before you retired?
25 PROSPECTIVE JUROR NO. 1110: I was an engineer, a

1 manager, and a teacher.

2 THE COURT: Okay. And are you married, sir?

3 PROSPECTIVE JUROR NO. 1110: Yes.

4 THE COURT: And what -- what occupation -- what is your
5 wife's occupation?

6 PROSPECTIVE JUROR NO. 1110: She's a retired school
7 psychologist.

8 THE COURT: Apparently the microphone is making noises,
9 so I'm trying to calm it down.

10 And --

11 THE COURT RECORDER: What was that again?

12 PROSPECTIVE JUROR NO. 1110: She's a retired school
13 psychologist.

14 THE COURT: And sir, do you have any children?

15 PROSPECTIVE JUROR NO. 1110: Yes. Two sons, ages 37
16 and 35.

17 THE COURT: And what does your older son -- oldest son do?

18 PROSPECTIVE JUROR NO. 1110: He's some sort of a
19 business analyst. And my youngest is a electronic technician.

20 THE COURT: Okay. And do they live here in Clark County,
21 Nevada?

22 PROSPECTIVE JUROR NO. 1110: No. They live in
23 California.

24 THE COURT: All right. Have you ever served as a juror
25 before?

1 PROSPECTIVE JUROR NO. 1110: I was an alternate juror
2 one time.

3 THE COURT: And was that in a civil matter or criminal
4 matter?

5 PROSPECTIVE JUROR NO. 1110: Criminal, DWI.

6 THE COURT: Okay. And without telling me what the verdict
7 was, did the jury reach a verdict in that case?

8 PROSPECTIVE JUROR NO. 1110: No, they didn't.

9 THE COURT: Okay. And you weren't the foreperson; you
10 were an alternate, correct?

11 PROSPECTIVE JUROR NO. 1110: I was an alternate, didn't
12 vote.

13 THE COURT: Okay. Is there anything about that experience
14 that would affect your ability to be fair and impartial in this case?

15 PROSPECTIVE JUROR NO. 1110: No.

16 THE COURT: And have you ever testified as a witness in a
17 criminal matter?

18 PROSPECTIVE JUROR NO. 1110: Yes.

19 THE COURT: And could you explain, please?

20 PROSPECTIVE JUROR NO. 1110: The defendant was
21 somebody who I had worked with. And the prosecution said that he was
22 a making devices to help drug smuggling and he was saying that it was
23 to -- as an invention for aircraft collision avoidance. And my testimony
24 was the -- was the capabilities and limitations of the electronic
25 equipment that he was using.

1 THE COURT: So -- so you basically testified as an expert in
2 that case?

3 PROSPECTIVE JUROR NO. 1110: Sort of, yes. I didn't
4 testify anything about him. It was about the equipment.

5 THE COURT: Okay. And you testified on behalf of the
6 defendant in that case?

7 PROSPECTIVE JUROR NO. 1110: It was on behalf of the
8 defendant.

9 THE COURT: All right. Thank you, sir. Have you or close
10 family member ever been convicted of a crime?

11 PROSPECTIVE JUROR NO. 1110: No.

12 THE COURT: Have you or close family member ever been
13 the victim of a crime?

14 PROSPECTIVE JUROR NO. 1110: Yes.

15 THE COURT: And could you explain, sir?

16 PROSPECTIVE JUROR NO. 1110: In this country, twice
17 in 1976, my house was vandalized, broken into and vandalized.

18 THE COURT: And were you or your wife home at the time
19 or --

20 PROSPECTIVE JUROR NO. 1110: No.

21 THE COURT: -- any family member? And did you make a
22 police report?

23 PROSPECTIVE JUROR NO. 1110: Yes.

24 THE COURT: And were they able to recover your items?

25 PROSPECTIVE JUROR NO. 1110: Recovered some coins.

1 That was all.

2 THE COURT: Okay. Were you -- was it Metro that did the
3 investigation?

4 PROSPECTIVE JUROR NO. 1110: Yes, it was.

5 THE COURT: Were you satisfied with how Metro handled the
6 situation?

7 PROSPECTIVE JUROR NO. 1110: No, I wasn't.

8 THE COURT: Okay. Do you believe that experience would
9 make it difficult for you to be fair and impartial to both sides in this case?

10 PROSPECTIVE JUROR NO. 1110: No.

11 THE COURT: Why not, sir?

12 PROSPECTIVE JUROR NO. 1110: It was an experience long
13 ago and I thought the Metro tried very well, but apparently it was
14 juveniles involved. And I think they knew who it was, but they wouldn't
15 tell me, of course, which was probably a smart thing to do. So -- but
16 nonetheless, after it was broken into the first time, apparently they did
17 the same thing a second time. And that's what I was dissatisfied with.

18 THE COURT: Okay. But you're not going to hold that against
19 Metro? I mean, that occurred a long --

20 PROSPECTIVE JUROR NO. 1110: Oh, no.

21 THE COURT: -- time ago and you could still be fair and
22 impartial in this case, couldn't you?

23 PROSPECTIVE JUROR NO. 1110: Oh, absolutely.

24 THE COURT: Okay. And besides anything you may have
25 already told us, do you have any close relatives or friends who have

1 ever been engaged in law enforcement?

2 PROSPECTIVE JUROR NO. 1110: My wife has a nephew
3 who is a deputy sheriff in Washington state. I don't think he's still
4 serving now though.

5 THE COURT: Okay. Are you close with him?

6 PROSPECTIVE JUROR NO. 1110: No. I haven't spoken with
7 him for many years.

8 THE COURT: All right. So you don't talk to him about his job
9 or anything related to his job when he was in law enforcement?

10 PROSPECTIVE JUROR NO. 1110: No.

11 THE COURT: All right. And it's anticipated that certain law
12 enforcement officers will testify in this case; will you give more credibility
13 to their testimony by the mere fact they are law enforcement officers?

14 PROSPECTIVE JUROR NO. 1110: No.

15 THE COURT: And do you agree that if you are chosen to
16 serve as a juror in this case, that you will honor your duty to be
17 completely fair and impartial and to listen carefully to all of the evidence
18 in this case?

19 PROSPECTIVE JUROR NO. 1110: Yes.

20 THE COURT: Thank you, sir. If you can pass down to
21 Mr. McTeir, if I pronounced that correctly -- or Ms. McTeir.

22 See, there's no -- there's no designation in front of the name. I
23 only have last name on my chart, so I apologize.

24 PROSPECTIVE JUROR NO. 1126: You did the name good.

25 THE COURT: Yeah.

1 PROSPECTIVE JUROR NO. 1126: At least you changed the
2 gender from Mr. to Ms.

3 THE COURT: And your badge number is 1126; is that
4 correct?

5 PROSPECTIVE JUROR NO. 1126: That's correct.

6 THE COURT: Okay. Thank you. Again, these are going to
7 be no surprises.

8 PROSPECTIVE JUROR NO. 1126: Uh-huh.

9 THE COURT: How long have you lived in Clark County,
10 Nevada?

11 PROSPECTIVE JUROR NO. 1126: I've been here 17 years.

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

13 PROSPECTIVE JUROR NO. 1126: College and technical
14 schools.

15 THE COURT: And what kind of technical school?

16 PROSPECTIVE JUROR NO. 1126: Graphic artist and
17 cosmetology.

18 THE COURT: And what is your occupation, ma'am?

19 PROSPECTIVE JUROR NO. 1126: I'm a registered nurse
20 working as a project manager for Amerigroup.

21 THE COURT: And are you married?

22 PROSPECTIVE JUROR NO. 1126: I'm -- no, I'm divorced.

23 THE COURT: Okay. And what does your -- is it ex-husband,
24 I take it, what does your ex-husband do as -- for a living?

25 PROSPECTIVE JUROR NO. 1126: He's a president for a

1 food distribution company back East.

2 THE COURT: Okay. And do you have any children, ma'am?

3 PROSPECTIVE JUROR NO. 1126: I have two sons,
4 a 30-year-old and a 28-year-old.

5 THE COURT: And as to the 30-year-old, what does he do for
6 a living?

7 PROSPECTIVE JUROR NO. 1126: He works for an
8 insurance company, Centene, as customer service.

9 THE COURT: Is that here in Las Vegas, Nevada?

10 PROSPECTIVE JUROR NO. 1126: He's in Las Vegas, yes.

11 THE COURT: And what about your younger son?

12 PROSPECTIVE JUROR NO. 1126: My youngest lives in
13 Manhattan. He is an investment banker for Bank of America.

14 THE COURT: And have you ever served as a juror before?

15 PROSPECTIVE JUROR NO. 1126: No, I have not.

16 THE COURT: Have you ever testified as a witness in an -- in
17 a criminal matter?

18 PROSPECTIVE JUROR NO. 1126: I was a -- I was
19 interviewed by the grand jury for a Medicare fraud case for one of my
20 employers.

21 THE COURT: Okay. And did you actually testify before the
22 grand jury?

23 PROSPECTIVE JUROR NO. 1126: Yes.

24 THE COURT: Okay. Have you or close family member ever
25 been convicted of a crime?

1 PROSPECTIVE JUROR NO. 1126: I have a cousin that was
2 convicted for embezzlement back East.

3 THE COURT: Are you close with your cousin?

4 PROSPECTIVE JUROR NO. 1126: Yes and no. We don't
5 really talk much.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 1126: And when we see each
8 other, it's all we talk.

9 THE COURT: Is there anything about that experience that
10 would make it difficult you -- difficult for you to be fair and impartial to
11 both sides?

12 PROSPECTIVE JUROR NO. 1126: No, not at all.

13 THE COURT: Have you or close family member ever been
14 the victim of a crime?

15 PROSPECTIVE JUROR NO. 1126: Something small here,
16 our windows were shot out in our vehicles. It was a community where a
17 bunch of kids went out and were just shooting out windows of cars.

18 THE COURT: Okay. An you weren't present when that
19 occurred?

20 PROSPECTIVE JUROR NO. 1126: We were sleeping.

21 THE COURT: All right.

22 PROSPECTIVE JUROR NO. 1126: It happened at night.

23 THE COURT: And did you report it to law enforcement?

24 PROSPECTIVE JUROR NO. 1126: They actually came to our
25 house, knocking on the door at 4:00 in the morning.

1 THE COURT: Okay. Were you satisfied with how law
2 enforcement handled the investigation?

3 PROSPECTIVE JUROR NO. 1126: Yes.

4 THE COURT: And do you believe that that experience would
5 make it difficult for you to be fair and impartial to both sides in this case?

6 PROSPECTIVE JUROR NO. 1126: No.

7 THE COURT: Besides anything you've already told us, do
8 you have any close -- I think you answered this. Do you have any close
9 relatives or friends who have ever been engaged in law enforcement?
10 Do you have any close relatives or friends --

11 PROSPECTIVE JUROR NO. 1126: Yes. My brother and my
12 cousin.

13 THE COURT: Okay. Tell me about your brother.

14 PROSPECTIVE JUROR NO. 1126: My brother, he's a
15 policeman back in Pittsburgh. And --

16 THE COURT: And do you speak with him regularly?

17 PROSPECTIVE JUROR NO. 1126: Yes, but --

18 THE COURT: Do you talk about his job?

19 PROSPECTIVE JUROR NO. 1126: A little bit, just funny
20 stories and --

21 THE COURT: Okay. But nothing -- I mean, would -- and I
22 think you said you had a cousin?

23 PROSPECTIVE JUROR NO. 1126: Yes.

24 THE COURT: And what -- what do -- what type of law
25 enforcement is your cousin involved in?

1 PROSPECTIVE JUROR NO. 1126: He's a patrolman back
2 East also, in Pittsburgh.

3 THE COURT: Okay. And do you speak to your cousin
4 regularly?

5 PROSPECTIVE JUROR NO. 1126: No, not that often.

6 THE COURT: Okay. Does your knowledge about your
7 brother and cousin's job affect your ability to be fair and impartial in this
8 case?

9 PROSPECTIVE JUROR NO. 1126: No.

10 THE COURT: All right. It's anticipated that certain law
11 enforcement officers will testify in this case. Will you give more
12 credibility to their testimony by the mere fact that they are law
13 enforcement officers?

14 PROSPECTIVE JUROR NO. 1126: No, I didn't think so.

15 THE COURT: Okay. And do you agree that if you are chosen
16 to serve as a juror in this case, that you will honor your duty to be
17 completely fair and impartial and to listen carefully to all the evidence?

18 PROSPECTIVE JUROR NO. 1126: Yes.

19 THE COURT: Okay. State, do you have any questions for
20 the panel?

21 MR. LEXIS: I'll be quick folks.

22 Can you please pass the mic back to Mr. Domingo, 1104.

23 Percentage-wise, sir, how much are you understanding?

24 PROSPECTIVE JUROR NO. 1104: I mean, a little bit English,
25 you know.

1 MR. LEXIS: Give me a percent.
2 PROSPECTIVE JUROR NO. 1104: Sir?
3 MR. LEXIS: Do you know a percent? How much
4 percentage-wise?
5 PROSPECTIVE JUROR NO. 1104: 15 minutes. 15 --
6 MR. LEXIS: 15?
7 PROSPECTIVE JUROR NO. 1104: 15 percent, maybe like
8 that.
9 MR. LEXIS: Okay. Can you please pass it to
10 Ms. Eldridge, 1105.
11 Ma'am, I believe it's the opposite. You seem to understood all
12 the questions the judge was asking you; am I correct?
13 PROSPECTIVE JUROR NO. 1104: Yes.
14 MR. LEXIS: Okay. And how long have you been here in the
15 United States?
16 PROSPECTIVE JUROR NO. 1104: Wow, pretty long. 17
17 years.
18 MR. LEXIS: Okay. And what are all the jobs you've had?
19 PROSPECTIVE JUROR NO. 1104: I used to own some
20 business, a fish store. Sell those or corals, saltwater fish. Just fish for
21 looking, not for eating. So -- and then --
22 MR. LEXIS: Did you have customers come in regularly and
23 speak English to you?
24 PROSPECTIVE JUROR NO. 1104: Yeah. But you know
25 what, at the time, my English is even worse than now. But anyway, I run

1 the business for a few years. And then I used to be a bartender too, and
2 then waitress.

3 MR. LEXIS: Okay. So you were a bartender too? You
4 need --

5 PROSPECTIVE JUROR NO. 1104: But you know what? I --
6 where I work is mostly people from Hong Kong, from -- I mean, the -- the
7 customer, they're Chinese, so that's why. And anyway, at that time, my
8 English is really worse than now.

9 MR. LEXIS: And you seem to understand me just fine; is that
10 correct?

11 PROSPECTIVE JUROR NO. 1104: Yes.

12 MR. LEXIS: And if you are picked as a juror and you are
13 having a hard time communicating with the other jurors, will you let them
14 know that?

15 PROSPECTIVE JUROR NO. 1104: I believe I can
16 communicate. But just, I don't mean -- I don't mean I don't understand.
17 But just to communicate, probably not really fluent.

18 MR. LEXIS: That's fine, ma'am. You don't need to be fluent.

19 PROSPECTIVE JUROR NO. 1104: Okay. I -- I don't -- I
20 don't -- I mean, I -- I'm not avoiding anything, but I have to tell the truth
21 that I -- my listening, the understanding is just not as good as I talk,
22 because when you talk, you have more -- more, how to say it, you easy
23 to handle what you want to tell than -- than you passively listening. So
24 that's -- that's my question.

25 MR. LEXIS: You're --

1 PROSPECTIVE JUROR NO. 1104: That's my problem.

2 MR. LEXIS: -- giving a pretty good explanation, so it seems
3 like you're understanding what I'm saying and the judge; is that correct?

4 PROSPECTIVE JUROR NO. 1104: Yes.

5 MR. LEXIS: Okay. Just directing the questions to the five
6 people, the new people. For the most -- pass it up to -- take you off the
7 hot seat, ma'am.

8 1110, sir, is there anything in your past that would affect your
9 ability to cast judgment upon the defendant at the end of this trial?

10 PROSPECTIVE JUROR NO. 1110: No.

11 MR. LEXIS: Any of the new people who would have any
12 hindrance of casting judgment at the end? Let the record reflect, no
13 response.

14 Sir, do you understand that you are not to be concerned with
15 sentencing when you're deliberating?

16 PROSPECTIVE JUROR NO. 1110: What is that again?

17 MR. LEXIS: You are not to be concerned with sentencing in
18 your deliberations?

19 PROSPECTIVE JUROR NO. 1110: Yes, I am.

20 MR. LEXIS: Okay. And you understand that that is 100
21 percent up to the judge?

22 PROSPECTIVE JUROR NO. 1110: Yes.

23 MR. LEXIS: You are only to decide -- you're the trier of fact,
24 whether or not the defendant is guilty or not guilty?

25 PROSPECTIVE JUROR NO. 1110: Yes.

1 MR. LEXIS: Does any of the new people disagree with that
2 notion? Let the record reflect, no response.

3 Sir, do you know my questions previously -- first of all, you
4 would agree that the State has a burden of proof?

5 PROSPECTIVE JUROR NO. 1110: Yes.

6 MR. LEXIS: The defendant does not need to testify?

7 PROSPECTIVE JUROR NO. 1110: Yes.

8 MR. LEXIS: And if he does not testify, that doesn't change the
9 fact the State has the burden of proof?

10 PROSPECTIVE JUROR NO. 1110: That's correct, yes.

11 MR. LEXIS: Does any of the new people disagree with that
12 notion? Let the record reflect, no response.

13 Sir, same type of questions previously as well; if just one
14 person took that stand and you believe that person beyond a reasonable
15 doubt, would you be able to find guilty or are you somebody that says
16 no, if it's just one person, I am going to need something more, I'm going
17 to need another independent witness, I'm going to need some type of
18 forensic evidence?

19 PROSPECTIVE JUROR NO. 1110: I would have -- have to
20 judge that one person's credibility.

21 MR. LEXIS: Okay. Any of the new people disagree with that
22 notion; you would need something more? Let the record reflect no
23 response.

24 Do any of you have anything in your past or any question that
25 wasn't asked that would affect your ability to be fair and impartial? The

1 record reflect no response.

2 Sir, last question. I'll just pose it to all the new people. If the
3 same crime is committed against a homeless drug addict gang member,
4 and the same crime is committed against a doctor in Summerlin, do you
5 believe the District Attorney's Office should prosecute the crime against
6 the doctor more aggressively than the homeless drug addict, sir,
7 Number 1110?

8 PROSPECTIVE JUROR NO. 1110: No.

9 MR. LEXIS: Should prosecute them both equally?

10 PROSPECTIVE JUROR NO. 1110: Yes.

11 MR. LEXIS: Does anybody disagree with that notion? Let the
12 record reflect no response.

13 No further questions, Judge.

14 THE COURT: Defense, do you have any questions of the
15 jury?

16 MS. PLUNKETT: Very -- very briefly --

17 THE COURT: Of the new panel members?

18 MS. PLUNKETT: -- Judge. Good afternoon. Mr. Keith?

19 PROSPECTIVE JUROR NO. 1110: Yes.

20 MS. PLUNKETT: Give your name and badge number.

21 PROSPECTIVE JUROR NO. 1110: My name is Edward Keith
22 and I'm 1110.

23 MS. PLUNKETT: Thank you. The case where you testified
24 for the defense, was that here in Clark County?

25 PROSPECTIVE JUROR NO. 1110: No. It was in California.

1 MS. PLUNKETT: And what year was that?

2 PROSPECTIVE JUROR NO. 1110: 1982.

3 MS. PLUNKETT: Thank you. Will you pass the microphone
4 to the back row, Mr. Layne.

5 PROSPECTIVE JUROR NO. 1101: Wes Layne, 1101.

6 MS. PLUNKETT: Thank you. What did you discuss today
7 with your friend who is a Metro police officer?

8 PROSPECTIVE JUROR NO. 1101: A case that he had been
9 on just last week where a woman was so intoxicated or high that she
10 had inadvertently stabbed her boyfriend to death thinking that she was
11 killing herself. He thought that I had probably seen about it on the news,
12 but I'm not a news person. I don't watch the news. But we talked a little
13 bit about that. And we also talked about the fact that -- how burdensome
14 this whole process is.

15 MS. PLUNKETT: Burdensome in what way?

16 PROSPECTIVE JUROR NO. 1101: In just the repetition and
17 asking the same questions over and over and over again.

18 MS. PLUNKETT: Did you both agree that it was a
19 burdensome process?

20 PROSPECTIVE JUROR NO. 1101: Absolutely.

21 MS. PLUNKETT: Did you discuss who the defendant was in
22 this case?

23 PROSPECTIVE JUROR NO. 1101: No.

24 MS. PLUNKETT: Did you discuss who the attorneys were in
25 this case?

1 PROSPECTIVE JUROR NO. 1101: No.

2 MS. PLUNKETT: Did you discuss anything specific to this

3 case?

4 PROSPECTIVE JUROR NO. 1101: Not at all. I didn't tell him

5 anything about it, other than it was an aggravated assault.

6 MS. PLUNKETT: And you mostly just discussed the jury

7 selection process?

8 PROSPECTIVE JUROR NO. 1101: Yeah.

9 MS. PLUNKETT: Have you ever had a bad encounter with a

10 police officer?

11 PROSPECTIVE JUROR NO. 1101: No.

12 MS. PLUNKETT: Thank you. Will you pass the microphone

13 to Mr. Domingo.

14 Will you state your name and badge number, please?

15 PROSPECTIVE JUROR NO. 1104: Ronquillo

16 Domingo, 1104.

17 MS. PLUNKETT: I don't know if I heard you correctly, but did

18 you tell Judge Bailus that you do not speak English well?

19 PROSPECTIVE JUROR NO. 1104: Yes. I don't really speak

20 English and understand.

21 MS. PLUNKETT: And you informed the State that you're only

22 understanding about 15 percent of what's going on here?

23 PROSPECTIVE JUROR NO. 1104: Yeah. Yes, ma'am.

24 That's --

25 MS. PLUNKETT: What's your primary language?

1 PROSPECTIVE JUROR NO. 1104: Filipino, Tagalog.
2 MS. PLUNKETT: And how long did you say you've -- how
3 long have you lived in the United States?
4 PROSPECTIVE JUROR NO. 1104: 17 years.
5 MS. PLUNKETT: Do you think you would have a problem
6 understanding witness testimony?
7 PROSPECTIVE JUROR NO. 1104: Yeah. I got a -- I know --
8 I didn't -- I don't understand.
9 MS. PLUNKETT: Thank you.
10 PROSPECTIVE JUROR NO. 1104: Welcome.
11 MS. PLUNKETT: Will you pass the microphone forward to
12 Ms. Eldridge.
13 Will you give your name and badge number, please, ma'am?
14 PROSPECTIVE JUROR NO. 1105: Grace Eldridge, 1105.
15 MS. PLUNKETT: Do you think you would also have a
16 problem understanding testimony given by witnesses in this case?
17 PROSPECTIVE JUROR NO. 1105: I might have about 5
18 percent not understanding.
19 MS. PLUNKETT: Only 5 percent not understanding?
20 PROSPECTIVE JUROR NO. 1105: Yes.
21 MS. PLUNKETT: You would 95 percent understand what's
22 happening in the courtroom?
23 PROSPECTIVE JUROR NO. 1105: Correct.
24 MS. PLUNKETT: Okay. Thank you.
25 Only the five new jurors, will you please raise your hand if

1 anyone has an opinion on Mr. Valencia's guilt or innocence simply
2 because we are here because the State has brought charges against
3 him; does anyone have an opinion on that? Let the record reflect no
4 hands.

5 That's all I have, Judge.

6 THE COURT: Counsel approach.

7 [Bench conference transcribed as follows:]

8 THE COURT: I assume there's going to be a couple of
9 challenges for cause. Let's go -- let them go for five minutes, do a -- I
10 mean, let you make your record. I'll make my determination. Depending
11 on how many -- go do our lunch break at 1:30. So it's about 10 after. I
12 think we could probably handle the challenges for cause, so maybe
13 depending on how many, seat the new panel --

14 MR. LEXIS: Can we just go until we get the jury, Judge?
15 We're almost there.

16 THE COURT: Well, it's -- it's -- I'll -- I'll leave it up -- again, my
17 staff hasn't had a break. We've been on the bench since 9:00. We had
18 a short break between my law and motion calendar, so let's take care of
19 the challenges for cause first. So we'll excuse them real quick, just tell
20 them to stick around. And then you can make your record and then we'll
21 go from there.

22 MR. LEXIS: Do you have more than just that guy, the
23 Spanish --

24 THE COURT: Well, you know what, let's give -- let's get it on
25 the record and we'll go from there.

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[End of bench conference.]

THE COURT: Ladies and gentlemen, there's some housekeeping matters that we need to take care of. So this should only be about 5, 10 minutes. So I'm going to take a recess right now. I have to admonish you.

So during this recess, you're admonished not to talk or converse among yourselves or with anyone else on any subject connected with this trial, or read, watch, or listen to any report or commentary on the trial or any person connected with this trial by any medium of information, including without limitation, social media, text, newspapers, television, the Internet, and radio; do not do any posting or communications on any social networking sites or do any independent research, including Internet searches, or form or express any opinion on any subject connected with the trial and the case is finally submitted to you.

If -- we're going to take about 5, 10-minute recess. So don't wander too far off. And as soon as we finish, we'll have you come back in. Thank you.

[Prospective jury panel recessed at 1:09 p.m.]

THE COURT: Let the record reflect the jury is not present. Does the State have any challenges for cause of the new panel members?

MR. DICKERSON: Your Honor, yes. State is challenging for cause Badge No. 1104, Ronquillo Domingo, based on the fact that he doesn't understand English. It was pretty clear from the questioning that

1 he didn't understand English, that from the court, that from the State,
2 that from the defense. Then he confirmed it with his assessment of his
3 own ability to understand, being about 15 percent. I think that probably
4 squares with exactly what we saw, is about 15 percent of what we were
5 saying he understood. Based on that, Your Honor, we're moving to
6 excuse that juror, Badge No. 1104.

7 THE COURT: Defense, what's your position on Mr. Domingo?

8 MR. COYER: We don't object to him being excused.

9 THE COURT: Okay. So we're -- State -- any other
10 challenges for cause of the new panel members?

11 MR. DICKERSON: No further challenges for cause.

12 THE COURT: Defense?

13 MR. COYER: Judge, I guess I would just note for the record
14 that if we're excusing people for language barriers in general, I'm not
15 sure what percentage it becomes sufficient to leave someone on. I have
16 some concerns about Ms. Eldridge, Badge No. 1105, because I
17 anticipate some of the evidence will be audio dispatch, which can be,
18 even for -- if you're a 100 percent English, it can be difficult to hear those
19 sometimes. So given that, I think maybe in an abundance of caution,
20 she should be removed for cause as well, due to language.

21 THE COURT: State, what's your position on Ms. Eldridge?

22 MR. DICKERSON: We oppose her removal, Your Honor. I
23 think that it was extremely clear from the way she was answering
24 questions, her demeanor here in court, and I would ask Your Honor to
25 find the same thing, that she understood what was going on. She's had

1 several businesses that she's owned and different jobs that are much
2 higher level and interactive with the public than we've seen some -- from
3 some of the other folks that had lesser ability to understand English. I
4 think her estimate of maybe not understanding 5 percent was -- it was
5 what it was. But at the end of the day, I think that probably half the
6 people on there that speak English as their first language might not
7 understand 5 percent of what happens during the day.

8 THE COURT: And I would note for the record, counsel, that
9 when asked certain questions about her ability to understand, I know this
10 is a cold record when it goes up on appeal, so I want to note for the
11 record, before she asked, she kind of smiled, and then indicated that she
12 can understand, I believe, 95 percent. So I think, again, this is a cold
13 record. But she seemed to be able to understand. And when pressed,
14 she would kind of just smile and give an answer that she did understand.
15 I just want to note that for the record.

16 Any other challenges for cause?

17 MR. COYER: Not from the defense, Your Honor.

18 THE COURT: Okay. I'm just going to take two seconds. Just
19 remain seated.

20 [Court recessed at 1:13 p.m. until 1:15 p.m.]

21 [Outside the presence of the prospective jury panel.]

22 THE COURT: Back on the record. I am going to excuse for
23 cause Mr. Domingo. And so you can bring the -- is there any other
24 argument, counsel?

25 MR. LEXIS: No, Your Honor.

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THE COURT: Bring the panel back in.

[Prospective jury panel reconvened at 1:15 p.m.]

THE COURT: Okay. Let the record reflect the presence of counsel for the State and the defense, the defendant, and the jury panel.

At this time, the court would like to thank and excuse Mr. Domingo, Badge No. 1104.

THE CLERK: Deanna Yturralde, Badge No. 1127.

THE COURT: Could you say your name, ma'am?

PROSPECTIVE JUROR NO. 1127: Take the Y off.

THE COURT: Yturralde? And you're Badge No. 1124?

PROSPECTIVE JUROR NO. 1127: Yes.

THE COURT: I'm sorry --

PROSPECTIVE JUROR NO. 1127: No, 1127.

THE COURT: 1127. Thank you, ma'am. How long have you lived in Clark County, Nevada?

PROSPECTIVE JUROR NO. 1127: Since '86.

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

PROSPECTIVE JUROR NO. 1127: Two years college.

THE COURT: And what is your occupation?

PROSPECTIVE JUROR NO. 1127: Pharmacy technician.

THE COURT: And are you married?

PROSPECTIVE JUROR NO. 1127: Yeah.

THE COURT: And what does your husband do?

PROSPECTIVE JUROR NO. 1127: He's disabled.

THE COURT: Okay. And how long has he been disabled?

1 PROSPECTIVE JUROR NO. 1127: Since '96.
2 THE COURT: Okay. Before he was disabled, did he work?
3 PROSPECTIVE JUROR NO. 1127: He was a truck driver.
4 THE COURT: Okay. And do you have any children?
5 PROSPECTIVE JUROR NO. 1127: I have a daughter
6 who's 43, she works in the gaming business, and a son who is 40, he's a
7 manager at a Walmart.
8 THE COURT: Are they -- do they both live in Las Vegas,
9 Nevada?
10 PROSPECTIVE JUROR NO. 1127: My daughter does, my
11 son does not.
12 THE COURT: Okay. Have you ever served as a juror before?
13 PROSPECTIVE JUROR NO. 1127: No.
14 THE COURT: Have you ever testified as a witness in a
15 criminal matter?
16 PROSPECTIVE JUROR NO. 1127: No.
17 THE COURT: Have you or close family member ever been
18 convicted of a crime?
19 PROSPECTIVE JUROR NO. 1127: No.
20 THE COURT: Have you or close family member ever been
21 the victim of a crime?
22 PROSPECTIVE JUROR NO. 1127: Yes.
23 THE COURT: And could you explain, please?
24 PROSPECTIVE JUROR NO. 1127: In '08 my husband was --
25 just stepped out of a vehicle and was struck down -- down by a -- a

1 drunk driver.

2 THE COURT: Is that how he became disabled?

3 PROSPECTIVE JUROR NO. 1127: No. He broke his back
4 when he wrecked his truck.

5 THE COURT: I see. And was that matter investigated by law
6 enforcement?

7 PROSPECTIVE JUROR NO. 1127: It was.

8 THE COURT: And were you satisfied with the investigation
9 that law enforcement did?

10 PROSPECTIVE JUROR NO. 1127: We had no part in it.

11 THE COURT: Okay. Did they find the individual, the -- the
12 driver of the vehicle?

13 PROSPECTIVE JUROR NO. 1127: Oh, yeah. He stepped
14 out of the car, said he was being taught how to drive drunk.

15 THE COURT: Okay. And was he prosecuted?

16 PROSPECTIVE JUROR NO. 1127: Yes. He served six
17 months in jail.

18 THE COURT: And was that here in Clark County, Nevada?

19 PROSPECTIVE JUROR NO. 1127: No, Southern California.

20 THE COURT: Okay. Anything else, ma'am?

21 PROSPECTIVE JUROR NO. 1127: You ask me.

22 THE COURT: Yeah. Well, is there anything else you want to
23 tell me about the incident with the drunk driver and your husband?

24 PROSPECTIVE JUROR NO. 1127: No.

25 THE COURT: Okay. Do you believe that experience will

1 make it difficult for you to be fair and impartial in this case?

2 PROSPECTIVE JUROR NO. 1127: No.

3 THE COURT: Besides anything you've already told us, do
4 you have any close relatives or friends who have ever been engaged in
5 law enforcement?

6 PROSPECTIVE JUROR NO. 1127: Most of them. All --
7 practically all the male in my in-laws are former or now police officers.

8 THE COURT: And how many males in your family that you're
9 speaking of?

10 PROSPECTIVE JUROR NO. 1127: My father-in-law was
11 LAPD; my brother-in-law just retired San Bernardino PD; my nephew is
12 a detective for LAPD. That's all I can think of right now.

13 THE COURT: Okay. And do you ever speak to them about
14 their job?

15 PROSPECTIVE JUROR NO. 1127: Not voluntarily.

16 THE COURT: All right. So mainly, your interaction with your
17 in-laws is just socially?

18 PROSPECTIVE JUROR NO. 1127: Correct.

19 THE COURT: Okay. And it's -- does your knowledge about
20 your in-laws' occupation, them being police officers, does that your --
21 affect your ability to be fair and impartial in this case?

22 PROSPECTIVE JUROR NO. 1127: To a lot of things.

23 THE COURT: Such as?

24 PROSPECTIVE JUROR NO. 1127: Well, being married to
25 that side of the family for 45 years, you're kind of conditioned to believe

1 the cops are right.

2 THE COURT: Okay. Well, that's somewhat my next question.
3 It's anticipated that certain law enforcement officers are going to testify
4 in this case; will you give more credibility to their testimony by the mere
5 fact that they are law enforcement officers, or are you willing to hear all
6 the testimony from all of the witnesses before you make a determination
7 of credibility?

8 PROSPECTIVE JUROR NO. 1127: Honestly, I -- I hope to be
9 fair, but I have to lean toward the cops. It's just in me.

10 THE COURT: Okay. But if other witnesses contradict the
11 officers and you believe those witnesses over the law enforcement, can
12 you be fair and impartial and do that?

13 PROSPECTIVE JUROR NO. 1127: My best.

14 THE COURT: Have an open mind?

15 PROSPECTIVE JUROR NO. 1127: Open mind.

16 THE COURT: Okay. Do you agree that if you are chosen to
17 serve as a juror in this case, that you will honor your duty to be
18 completely fair and impartial and to listen carefully to all of the evidence
19 before you make a decision?

20 PROSPECTIVE JUROR NO. 1127: Oh, yeah.

21 THE COURT: Okay. State, any questions?

22 MR. LEXIS: Ma'am, I'm sure you know where I'm going. Just
23 because a doctor or a firefighter come in here, or a cop, what they say
24 is -- you can't -- you got -- first need to wait and see what comes out of
25 their mouth; will you do that?

1 PROSPECTIVE JUROR NO. 1127: Oh, yeah.

2 MR. LEXIS: As far as sentencing, you know that's up to the
3 judge?

4 PROSPECTIVE JUROR NO. 1127: Yes.

5 MR. LEXIS: Are you going to put that aside during
6 deliberations if you're picked?

7 PROSPECTIVE JUROR NO. 1127: What we're told to do.

8 MR. LEXIS: Okay. Are you going to -- do you have anything
9 in your past that's going to affect your ability to cast judgment at the end
10 of this case?

11 PROSPECTIVE JUROR NO. 1127: No.

12 MR. LEXIS: And if just one person takes the stand and you
13 believe that person beyond a reasonable doubt, could you be able to
14 convict or are you someone that needs another witness or other forensic
15 evidence?

16 PROSPECTIVE JUROR NO. 1127: I need more info than just
17 a one-sided deal.

18 MR. LEXIS: Okay. So a older woman goes out to her mailbox
19 tonight and a guy comes up to her, mugs her, and takes off with her
20 stuff. Couple weeks go by and she sees somebody in a neighborhood
21 and she says, That's the guy. She calls the cops. First of all, do you
22 believe the cops should come and arrest that guy, if she's telling police
23 that's the man that mugged me two weeks ago?

24 PROSPECTIVE JUROR NO. 1127: They would investigate it,
25 wouldn't they?

1 MR. LEXIS: Okay.

2 PROSPECTIVE JUROR NO. 1127: I don't know.

3 MR. LEXIS: Okay. Yes. There would be an investigation.
4 But let's say that's the only thing they can could up with. I mean, the
5 property is gone. He's not wearing the same clothing, et cetera, et
6 cetera.

7 PROSPECTIVE JUROR NO. 1127: They'd have to prove it.

8 MR. LEXIS: Okay. If that -- if that lady comes on the stand
9 and you judge her credibility and you believe she's telling you the truth
10 beyond a reasonable doubt, would that be enough to convict?

11 PROSPECTIVE JUROR NO. 1127: No.

12 MR. LEXIS: Okay. And explain why.

13 PROSPECTIVE JUROR NO. 1127: Because that's her side.
14 That's her thought process. She believes in what she's saying. You
15 know, I can say you robbed me, and I believe that. But I -- I -- you know,
16 someone would say well -- you know, couldn't you have more proof?

17 MR. LEXIS: Okay. Do you believe that those cases happen
18 every day --

19 PROSPECTIVE JUROR NO. 1127: Oh, yeah.

20 MR. LEXIS: -- where -- where there's just one person and
21 there is no other forensic evidence, there is no --

22 PROSPECTIVE JUROR NO. 1127: I'm sure there is.

23 MR. LEXIS: -- camera following people around, there's no
24 fingerprints, no guarantee, DNA is no guarantee; so you would agree
25 those cases happen all the time?

1 PROSPECTIVE JUROR NO. 1127: I would imagine they
2 would.

3 MR. LEXIS: Okay. And do you believe our office should
4 prosecute those cases or say, you know what, since we only have one
5 person that's going to testify, we should deny the case?

6 PROSPECTIVE JUROR NO. 1127: Oh, no. You should --
7 you should investigate it, you know.

8 MR. LEXIS: Okay. Let's say we do investigate it and there is
9 no other witnesses, and there is no forensic evidence. We search for
10 cameras, there's no cameras that captured the crime, there's no
11 independent witnesses that captured the crime. It comes back to this
12 lady telling us that's the man that did it. Should our office dismiss the
13 case?

14 PROSPECTIVE JUROR NO. 1127: No, I don't think so.

15 MR. LEXIS: So we should prosecute that case?

16 PROSPECTIVE JUROR NO. 1127: Again, you would need to
17 hear his side; where was he that day?

18 MR. LEXIS: The defendant has a right not to testify.

19 PROSPECTIVE JUROR NO. 1127: That's true.

20 MR. LEXIS: State has a burden of proof. The law allows the
21 State to just put up one witness, and evidence is testimony. And if you
22 believe that testimony beyond a reasonable doubt --

23 PROSPECTIVE JUROR NO. 1127: Beyond a reasonable
24 doubt.

25 MR. LEXIS: -- the State is entitled for a guilty verdict; do you

1 agree or disagree with that?

2 PROSPECTIVE JUROR NO. 1127: Well, beyond a
3 reasonable doubt, I agree.

4 MR. LEXIS: Okay. So if she testifies and you judge her -- you
5 believe that she's credible and you believe beyond a reasonable doubt
6 that that man did that to her, would you be able to convict?

7 PROSPECTIVE JUROR NO. 1127: Yes.

8 MR. LEXIS: Nothing further, Judge.

9 THE COURT: Defense, do you have any questions of this --

10 MS. PLUNKETT: I do, Judge.

11 THE COURT: -- potential juror?

12 MS. PLUNKETT: Good afternoon, ma'am. How many hours
13 a week do you work as a pharmacy technician?

14 PROSPECTIVE JUROR NO. 1127: 40.

15 MS. PLUNKETT: And when you say your husband is
16 disabled, is he mobile?

17 PROSPECTIVE JUROR NO. 1127: He's mobile. He has no
18 feeling from the waist down, but he is still mobile.

19 MS. PLUNKETT: And I believe you said that you have a
20 family member, who is also disabled, who stays with him when you
21 work?

22 PROSPECTIVE JUROR NO. 1127: Right. Either my mother,
23 who is 87, or his sister, who has MS.

24 MS. PLUNKETT: Is your husband here today?

25 PROSPECTIVE JUROR NO. 1127: No. He was in bad shape

1 when we left yesterday.

2 MS. PLUNKETT: Do you -- do you worry about him while
3 you're at work?

4 PROSPECTIVE JUROR NO. 1127: Constantly.

5 MS. PLUNKETT: Does that affect your ability to perform your
6 job?

7 PROSPECTIVE JUROR NO. 1127: Not at all. My superiors
8 also know if I get a phone call, my husband comes first. I'm out of there.

9 MS. PLUNKETT: How often do you get that phone call?

10 PROSPECTIVE JUROR NO. 1127: I've had it three times
11 in 21 years.

12 MS. PLUNKETT: When was the last time you got that phone
13 call?

14 PROSPECTIVE JUROR NO. 1127: When he was found in
15 our garage with encephalitis and he was almost comatose.

16 MS. PLUNKETT: And when was that?

17 PROSPECTIVE JUROR NO. 1127: Probably three years ago.

18 MS. PLUNKETT: If you were chosen to sit on this jury, would
19 you be thinking about him as you sat on the jury?

20 PROSPECTIVE JUROR NO. 1127: I always think about him.

21 MS. PLUNKETT: Would his situation affect your ability to
22 focus on the evidence in this case?

23 PROSPECTIVE JUROR NO. 1127: I don't think so.

24 MS. PLUNKETT: You said earlier that you would "do your
25 best" to be impartial. Can you tell me more about how you would do

1 your best?

2 PROSPECTIVE JUROR NO. 1127: Well, it -- it depends on
3 all the evidence and what is presented and -- and to the best of my
4 ability to understand all that.

5 MS. PLUNKETT: In a close call, would you be able to give the
6 defendant the benefit of the doubt?

7 PROSPECTIVE JUROR NO. 1127: In a close call?

8 MS. PLUNKETT: In a close call?

9 PROSPECTIVE JUROR NO. 1127: I don't understand. What
10 are you --

11 MS. PLUNKETT: If we have the one witness and it's a -- in
12 your mind a close call on whether or not you believe this person, would
13 you be able to give Mr. Valencia the benefit of the doubt?

14 PROSPECTIVE JUROR NO. 1127: I guess I'm not getting
15 what you mean by close call.

16 MS. PLUNKETT: Let me -- let me ask --

17 PROSPECTIVE JUROR NO. 1127: Believable or not
18 believable, kinda sorta. I --

19 MS. PLUNKETT: Let me ask a --

20 PROSPECTIVE JUROR NO. 1127: -- I'm not understanding
21 that.

22 MS. PLUNKETT: I'll ask a different question. In the --

23 PROSPECTIVE JUROR NO. 1127: Thank you.

24 MS. PLUNKETT: -- mugging example that Mr. Lexis gave,
25 you referred to a one-sided deal; would you expect the defendant to

1 testify?

2 PROSPECTIVE JUROR NO. 1127: Or have great lawyers.

3 MS. PLUNKETT: So you're saying you would not necessarily
4 need to hear directly from the mouth of Mr. Valencia?

5 PROSPECTIVE JUROR NO. 1127: I don't think so.

6 MS. PLUNKETT: Court's indulgence one second.

7 That's all I have, Judge.

8 THE COURT: Thank you.

9 Counsel, approach.

10 [Bench conference transcribed as follows:]

11 THE COURT: Is either side challenging this potential juror for
12 cause?

13 MR. DICKERSON: State's not.

14 THE COURT: Defense?

15 MR. COYER: No.

16 THE COURT: I can't hear you.

17 MR. COYER: No.

18 THE COURT: Okay. So what I'm going to do is take our
19 lunch break and then when we come back, we'll do the peremptory
20 challenges. And then once the peremptory challenges are complete,
21 we'll do opening statements and begin testimony. Is that satisfactory to
22 both parties?

23 MR. DICKERSON: It is, Your Honor.

24 MR. COYER: Yeah.

25 THE COURT: Okay. State -- defense?

1 MR. COYER: Yep.

2 THE COURT: Okay. Thank you.

3 [End of bench conference.]

4 THE COURT: At this time, ladies and gentlemen, we're going
5 to take a one-hour lunch break. So if you could come back by 2:30.
6 Just stay out in the hallway until the marshal brings you into the
7 courtroom.

8 And during this recess, you're admonished not to talk or
9 converse among yourselves or with anyone else on any subject matter
10 connected with this trial, read, watch, or listen to any report of or any
11 commentary on the trial or any person connected with this trial by any
12 medium of information, including without limitation, social media, text,
13 newspapers, television, the Internet, and radio; do not do any posting or
14 communications on any social networking sites or do any independent
15 research, including Internet searches, or form or express any opinion on
16 any subject connected with the trial until the case is submitted to you.

17 So we'll be in recess for one hour. Thank you.

18 [Prospective jury panel recessed at 1:31 p.m.]

19 THE COURT: Court is in recess for one hour.

20 MR. DICKERSON: Thank you, Judge.

21 MS. PLUNKETT: Thank you, Judge.

22 [Court recessed from 1:33 p.m. until 2:39 p.m.]

23 [Outside the presence of the prospective jury panel.]

24 THE COURT: Please be seated. This is the continuation of
25 Case No. C-16-315580. Let the record reflect counsel for the State,

1 counsel for the defendant and Defendant are present outside the
2 presence of the jury.

3 MR. LEXIS: Your Honor, just so you know, some of the
4 officers that were present during this incident are here in the courtroom.
5 We brought them in in order to bring in the evidence and open it up in
6 front of defense counsel in order to pre-mark it, save time, and for
7 chain-of-custody purposes.

8 THE COURT: Okay. Do you want -- is -- has that been done?

9 MR. LEXIS: It -- yes. The gun, the bag with the three drugs
10 are all other there.

11 THE COURT: Is that correct, counsel?

12 MR. COYER: I assume so. I didn't -- we did not open the
13 bags, but that's what they were represented to me to be. I have no
14 reason to doubt that.

15 THE COURT: Okay. But I thought what he represented was
16 they're going to pre-open the bag in your presence so there's not a
17 chain-of-custody issue or to save time. Is that --

18 MR. LEXIS: Well, Your Honor, we opened up a main bag
19 which had then separate bags in there.

20 THE COURT: Okay.

21 MR. LEXIS: We will at a break then open up the individual
22 bags too, after they're marked.

23 THE COURT: You know what, you can do it from the witness
24 stand. I don't care.

25 MR. LEXIS: Yeah. We were just trying to -- for

1 chain-of-custody purposes and save time.

2 THE COURT: Defense, what's your preference, do you want
3 to open it up when the -- each witness testifies? Usually it's done from
4 the witness stand.

5 MR. COYER: I don't think that I have a preference. So
6 however, the court would prefer the State --

7 THE COURT: I have no preference.

8 MR. LEXIS: During the breaks, then, we'll open them up in
9 front of defense counsel and get them pre-marked, Judge.

10 THE COURT: Okay. Is -- is that agreeable to the defense?

11 MR. COYER: Yes.

12 THE COURT: Thank you. Okay. Is there anything -- any
13 other housekeeping matters that need to be brought to the court's
14 attention?

15 MR. LEXIS: No, Your Honor.

16 MR. DICKERSON: If I may approach your clerk with the
17 State's proposed exhibits, additional exhibits outside of the evidence that
18 has been brought in today?

19 THE COURT: Okay. That's fine.

20 MR. DICKERSON: Thank you.

21 THE COURT: And -- and you want him to mark them at this
22 point?

23 MR. DICKERSON: Yes. That's what we would request, Your
24 Honor.

25 THE COURT: Okay.

1 MR. DICKERSON: They are paper-clipped together just for
2 our reference as to kind of keep them organized. But each page would
3 be individually marked, unless it's -- has a staple through it, which I don't
4 think any do.

5 THE COURT: Okay. And, Mr. Lexis, when did you anticipate
6 having the evidence bags opened, at what point?

7 MR. LEXIS: Whenever we break, Judge.

8 THE COURT: Okay. After opening statements?

9 MR. LEXIS: Just throughout this trial whenever you break.

10 THE COURT: Okay.

11 MR. DICKERSON: Or we can just do them from the stand,
12 whatever the court --

13 THE COURT: Yeah.

14 MR. DICKERSON: -- prefers.

15 THE COURT: This doesn't seem like it's going to be a lengthy
16 trial, so.

17 MR. LEXIS: Today is only going to be the gun, Judge.

18 THE COURT: Okay. It's time where we're going to do the
19 peremptory challenges. As you're aware, you're each entitled to
20 exercise four -- I'm sorry, that's correct, four peremptory challenges
21 towards the proposed regular jurors and one peremptory challenge
22 towards the alternate juror.

23 I was going to bring the jury panel in and have them seated,
24 and then you can pass the -- you're going to be -- you will alternate
25 writing your challenges down on the clerk's form, passing the form back

1 and forth. Any given turn, you are allowed to waive your right to
2 challenge. We will do this process first for the proposed regular jurors.
3 So once you do a total of eight peremptory challenges, that's going to be
4 the first -- that will be the jury. Then you're going to each get one
5 peremptory challenge for the alternate jurors.

6 So the first 12 will be the jury, and the last two, for a total
7 of 14, will be the alternates; is that agreeable to the parties?

8 MR. LEXIS: Yes.

9 MR. DICKERSON: Yes.

10 MR. COYER: It is, Your Honor.

11 THE COURT: Okay. Then I'll review the form and ask
12 counsel to approach before any of the challenged jurors are released.
13 That is the time to assert any challenges under *Batson v. Kentucky* or
14 *JVK vs. Alabama*. Any *Batson* challenges not asserted at the time will
15 be deemed waived. So once I release the panel, if you haven't asserted
16 your *Batson* challenge, it's waived. It has to be done before I release
17 the -- the challenged jurors.

18 After resolving any *Batson* challenge, I will release any
19 persons that will not be on the final jury panel and that's the final jury
20 panel. Is there any questions at this time?

21 MR. DICKERSON: None from the State, Your Honor.

22 MR. COYER: None, your Honor.

23 THE COURT: Okay. So I'm going to bring the -- the jury
24 panel in at this time and have them seated.

25 [Prospective jury panel reconvened at 2:45 p.m.]

1 THE COURT: Let the record reflect that the jury panel has
2 been seated.

3 Ladies and gentlemen, we're at the point in the trial where the
4 attorneys are going to exercise what's called peremptory challenges.
5 This will take a few minutes. If you could just have a seat quietly,
6 converse among yourselves, and as soon as the peremptory challenge
7 process is completed, I will announce the jury panel. So if you give us
8 the -- take a few moments.

9 Do you have the form? Give it to him.

10 MR. DICKERSON: Thank you very much.

11 [Pause in proceedings.]

12 THE COURT: Counsel approach.

13 [Bench conference transcribed as follows:]

14 THE COURT: Is there any objection to the court accepting the
15 peremptory challenges?

16 MR. LEXIS: No objection, Your Honor.

17 MR. DICKERSON: No.

18 THE COURT: Defense?

19 MR. COYER: No.

20 THE COURT: Okay. Thank you.

21 [End of bench conference.]

22 THE COURT: It appearing to the court that all peremptory
23 challenges have either been exercised or waived, the clerk will now call
24 the names of the persons who will comprise the jury.

25 THE CLERK: Anna Dunegan, Kimberly Wasden, Wesley

1 Adams [sic], Jennifer Fighera, Xavier Antheaume, Thomas McAuley,
2 Deatrice Higgs, Sonya Johnson, Sharon Iaconi, Leticia Morales, Shawna
3 Perez, Susan Penrod, Amy McTeir, Edwin Blazer.

4 THE COURT: If your name was not called, you're going to be
5 excused at this time. I'd like to thank everybody whose name was not
6 called far -- for participating in the jury selection process. As you've
7 heard your entire life, if -- it's the juries that make the system work. And
8 I know it may seem burdensome at the time, but it's the foundation of the
9 American justice system.

10 So if your name was not called, I'd like to thank and excuse
11 each of those individuals at that time -- at this time. Thank you.

12 [Balance of prospective jury panel excused at 2:56 p.m.]

13 MS. PLUNKETT: Wesley Layne.

14 MR. COYER: He's on our jury.

15 MS. PLUNKETT: Isn't his name Wesley Layne?

16 THE COURT: Okay. I just got to say I'm counting 13 and I'm
17 going -- okay. Okay.

18 Marshal, if you'll seat them in order, please.

19 [Pause in proceedings.]

20 THE COURT: Okay. The clerk will now administer the oath to
21 the jurors.

22 [Jury sworn.]

23 THE COURT: You may be seated. The jury is now fully
24 impaneled.

25 At this point in the trial, I'm going to give you some preliminary

1 instructions. They're quite lengthy and I'm going to use a script to make
2 sure I fully explain everything to you. The print is very small on this
3 script, so I have to go a little bit slow. I -- because, like I said, the print is
4 very small. So if you could just listen carefully, and I'm going to give you
5 some preliminary instructions before the parties do their opening
6 statements.

7 Ladies and gentlemen, you are admonished that no juror may
8 declare to a fellow juror any fact relating to this case of his own
9 knowledge. And if -- if any juror discovers during the trial or after the jury
10 has retired that he or any other juror has personal knowledge of it -- that
11 he or she or any other juror has personal knowledge of any fact or
12 controversy in this case, he or she shall disclose the situation to me in
13 the absence of the other jurors.

14 This means that if you learn during the course of the trial that
15 you are acquainted with the facts of this case or the witnesses and you
16 have not previously told us of that relationship, you must then declare
17 that fact to me.

18 The way that you communicate with the court throughout our
19 trial is through our marshal. Our marshal is Randy Stevenson. He is
20 present at all times while we are in session. And you previously met
21 Randy. He's the one who's been escorting you in and out during the
22 breaks.

23 During the course of this trial, the attorneys for both sides,
24 court personnel other than the marshal, are not permitted to talk with
25 you. It's not that we are antisocial, it's simply that we are bound by

1 ethics and the law not to speak with you because to do so might
2 contaminate your verdict. We are not even allowed to say hi to you if we
3 should pass you in the hall or be in the elevator together.

4 If you should recognize a witness or be familiar with the facts
5 of the case when the witness is testifying, please make a little note on
6 your jury pad that you will -- that you recognize such-and-such witness,
7 and how it is that you recognize that witness. At the next break in the
8 trial, please hand that note to the marshal and he will present it to the
9 court and counsel.

10 Frequently people do not recognize witnesses by name, but
11 may recognize them when they come into the courtroom to testify. If
12 that should happen in this case, please make a note of that as the
13 witness is testifying, and the next break, give that note to the marshal.

14 You are admonished additionally that you are not to visit the
15 scene of any of the acts or occurrences made mention of during trial
16 unless specifically directed to do so by the court. The reason that we do
17 not want you going out to any particular scene or location referenced
18 during the trial is not because we don't want you to know everything
19 there is to know about the location, but simply that there is no guarantee
20 that the intersection, street, apartment complex, the restaurant, whatever
21 looks the same as it did at the time of the incident. Usually photos are
22 taken at the time of the incident or shortly thereafter, and we will use
23 those photographs during the trial rather than going to the site to look at
24 first hand.

25 This case is a criminal case commenced by the State of

1 Nevada. Sometimes I may refer to it as the *State vs. Ceasar Sanchaz*
2 *Valencia*. This case is based upon a second amended information. The
3 clerk will now read the second information to you and state the plea of
4 the defendant.

5 [Information read.]

6 THE COURT: Thank you. This case is based upon that
7 second amended information which has just been read to you by the
8 clerk. You should distinctly understand that the second amended
9 information is simply a charge and that it is not in any sense evidence of
10 the allegations that it contains.

11 The defendant has pled not guilty to the charges. The State
12 therefore has the burden of proving each of the essential elements of the
13 second amended information beyond a reasonable doubt. The purpose
14 of this trial is to determine whether the State will meet that burden.

15 It is your primary responsibility as jurors to find and determine
16 the facts. Under our system of criminal procedure, you are the sole
17 judge of the facts. You are to determine the facts from the testimony
18 you hear and the other evidence, including exhibits introduced in court.
19 It is up to you to determine the inferences which you may feel may
20 properly be drawn from the evidence.

21 If during the examination of witnesses some questions occur
22 to you, be patient. The answers will probably be given before the
23 witness is excused. If not, write your questions on a full sheet of paper
24 and hand it to the marshal. He will then give it to me and if the question
25 is a proper one under the law, I will see that it is answered. Any

1 questions must be factual in nature and designed to clarify information
2 already presented. If your question is asked, you may not place undue
3 weight on the question to the -- undue weight on the answer to the
4 question.

5 The parties may sometime present objections to some of the
6 testimony or other evidence. At times I may sustain those objections or
7 direct that you disregard certain testimony and exhibits. You must not
8 consider any evidence to which an objection has been sustained or
9 which I have instructed you to disregard.

10 It is the duty of the -- of a lawyer to object to evidence which
11 he or she believes may not properly be offered. And you should not be
12 prejudiced in any way against a lawyer who makes objections on behalf
13 of the party which he or she represents.

14 I may also find it necessary to admonish the lawyers. If I do,
15 you should not show prejudice towards the lawyer or his or her clients
16 because I found it necessary to admonish him or her.

17 Throughout the trial, if you cannot hear a question asked by
18 the attorney or the answer given by a witness, please raise your hands
19 as an indication. If I don't see your hand, please say excuse me, I didn't
20 hear that, and we will ask that question be repeated or the answer -- or
21 the answer be repeated.

22 If you wish, you may take notes to help you remember what
23 any witness has said. If you do take notes, please keep those notes to
24 yourself until you and your fellow jurors go to the jury room to decide the
25 case. Do not let note taking distract you so that while you are writing

1 down the answers to question, three or four questions are asked and
2 answered and go right past you and you have no recollection of those
3 answers. Notepads will be provided to you and kept in the courtroom.
4 You can't take them with you and the marshal will collect them at the
5 end of each day. You should rely upon your own memory of what was
6 said and not to be overly influenced by the notes of other jurors when
7 you go back to deliberate.

8 This case will proceed in the following order. First, the State
9 will make an opening statement outlining its case. The opening
10 statement is like roadmap or an outline. During the opening statement,
11 the State will be telling you what they expect the evidence will be. After
12 the State opens, the defendant has a right to make an opening
13 statement if he or she wishes to do so. Neither party is to -- is required
14 to make opening statements.

15 After the opening statements, the State will first introduce
16 evidence. At the conclusion of the State's evidence, the defendant has
17 a right to introduce evidence. However, please remember, the
18 defendant is not obligated to present any evidence or to prove -- or to
19 prove his evidence. The law never imposes upon the defendant in a
20 criminal case the burden of calling any evidence or introducing any
21 evidence. The defendant and his attorneys can sit through the trial and
22 do nothing, not ask any questions, not call any witnesses, do nothing at
23 all, because the defendant has no burden of proof in a criminal trial.

24 As we already discussed, the State has to prove two things to
25 you. First, the State has to prove to you beyond a reasonable doubt that

1 a crime occurred. And second, the State has to prove to you, also
2 beyond a reasonable doubt, that the defendant did it.

3 At the close of the defendant's case, if any, the State may
4 introduce rebuttal evidence. At the conclusion of all the evidence, I will
5 instruct you on the law. You must not be concerned with the wisdom of
6 any rule of law stated in these instructions or the instructions which I will
7 read to you after the evidence is in. Regardless of any opinion you may
8 have as to what the law ought to be, it would be a violation of the oath to
9 base a verdict upon any other view of the law than that given to you by
10 the court.

11 Now, please understand, ladies and gentlemen, the court
12 does not make up the law. Law in each state is created by the state
13 legislature.

14 After the instructions on the law are read to you, each party
15 has the opportunity to argue orally in support of his or her case. This is
16 called the closing argument or summation. What is said in closing is not
17 evidence. The arguments are designed to summarize and interpret the
18 evidence for you and show you how the evidence and law relate to one
19 another. Since the State has the burden of proving the defendant guilty
20 beyond a reasonable doubt, the State has the right to both open and
21 close the arguments, which means at the end of the trial, the State gets
22 to argue to you twice and Defendant gets to argue to you once.

23 After the attorneys have presented their arguments, you will
24 retire to select a foreperson to deliberate and arrive at your verdict.
25 Faithful performance by you of your duties is vital to the administration of

1 justice. It is your duty to determine the facts and determine -- and
2 determine them from the evidence and reasonable inferences arising
3 from such evidence. And in so doing, you must not indulge in
4 guesswork or speculation.

5 The evidence which you are to consider consists of testimony
6 of witnesses and the exhibits admitted in evidence. The term witness
7 means anyone who testifies in person or by way of deposition and may
8 include the parties to the lawsuit. A deposition is simply an examination
9 of the witness at a prior date under oath with the attorneys present
10 where the testimony is taken down in written form and those written
11 questions and answers will be read to you during the trial.

12 Admission of evidence in court is governed by rules of law.
13 From time to time, there -- it may be the duty of the attorney to make
14 objections and my duty as the judge to rule on those objections, and
15 decide whether a certain question may be answered or whether certain
16 evidence may be admitted. You must not concern yourself with any
17 objections made by the attorneys or with the court's reasons for its
18 rulings.

19 You must not consider testimony, exhibits -- exhibits to which
20 an objection has been sustained or which has been ordered stricken.
21 Further, you must not consider anything which you may have seen or
22 heard when the court is not in session, even -- even if what you see or
23 hear is said or done by one of the parties or by one of the witnesses.

24 While you are in the courthouse, please always wear the
25 badge the marshal just gave you or you will be given -- or which the

1 marshal has just given you. When you come in in the morning, during
2 the breaks, during the daytime, or during the noon recess, when you are
3 in the elevator or walk -- walking around in the hallway, I always tell my
4 jury panels, please only talk with people wearing a badge that indicates
5 they are jurors.

6 The witness in this -- the witnesses in this trial and all the rest
7 of the trials that are going on today in this building are not identified in
8 any way. You will not know if you are carrying on a conversation with a
9 witness in this trial until it's too late and they come and they take the
10 witness stand and they're sworn to testify. Therefore, I would urge you
11 not to talk to anyone in this building unless they're identified as a juror,
12 because if they're identified as a juror, you know that they're not going to
13 have anything to do with this case.

14 In every case there are two types of evidence; direct evidence
15 and circumstantial evidence. Direct evidence is testimony by witnesses
16 about what they saw, heard, or did. Circumstantial evidence is
17 testimony or exhibits which are proof of a particular fact from which, if
18 that fact is proven, you can infer the existence of a second fact. You
19 may consider both direct and circumstantial evidence in deciding this
20 case.

21 The law permits you to give equal weight to both types of
22 evidence, but it is up to you to decide how much weight to give to any
23 particular piece of evidence. Opening statements and closing
24 arguments are intended to help you in understanding the evidence and
25 in applying the law. But please understand, the attorneys tell -- please

1 understand, what the attorneys tell you is not evidence. They are not
2 witnesses. They have no firsthand information, and therefore, what they
3 tell you is not evidence.

4 You are not to concern yourself in any way with the sentence
5 which the defendant might receive if you should find him guilty. Your
6 function is solely to decide whether the State has proven to you beyond
7 a reasonable doubt that the defendant is guilty of the crimes charged. If,
8 and only if, you find him guilty, then it becomes the duty of the court at a
9 later date to process sentence.

10 You must not be influenced in any degree by any personal
11 feeling or sympathy for or prejudice against any party to the lawsuit, for
12 each party is entitled to the same fair and impartial consideration. No
13 statement, ruling, remark or facial expression -- expression which I may
14 make during the course of the trial is intended to indicate my opinion as
15 to what the facts are. I don't get to decide the facts. You are the ones
16 who determine the facts.

17 In this determination, you alone must decide upon the
18 believability of the evidence and its weight and value. In considering the
19 weight and value of the testimony of any witness, you may take into
20 consideration the appearance, attitude, and behavior of the witness, the
21 interest of the witness in the outcome of the lawsuit, the relationship of
22 the witness to any party to the lawsuit, the inclination of the witness to
23 speak truthfully or not, the probability or improbability of the witness
24 statements, and all other facts and circumstances in evidence. Thus,
25 you may give the testimony of any witness just such weight and value as

1 you believe that witness is entitled to receive.

2 I may, during the trial, take notes of what the witnesses are
3 saying. Do not make any inference from this action on my part, because
4 I'm required to be prepared for legal arguments of the attorneys during
5 the trial. For that reason, I may take extensive notes.

6 Again, let me remind you that until this case is submitted to
7 you, do not talk to each other about it or about anyone who has anything
8 to do with it until the end of the -- of the case when you get -- when you
9 go to the jury room to decide your verdict. Do not talk with anyone else
10 about this case or about anyone who has anything to do with it until the
11 trial has ended and you've been discharged as jurors. Anyone else
12 includes members of your family and your friends.

13 Those of you who are employed obviously need to call their
14 boss today at one of the breaks and tell him or her you have been
15 chosen as a juror in a criminal case and the judge has told you the trial
16 is going to last three to five days. You may also tell him that -- that if the
17 trial is over earlier than that, you will be back to work sooner. That's all
18 you can tell your workplace until after you have been discharged by the
19 court.

20 Do not let anyone talk to you about this case or about anyone
21 who has anything to do with this case. If someone should try to talk to
22 you about this case while you are serving as a juror, please report that to
23 me immediately by contacting my bailiff -- my marshal.

24 Do not read any news stories or articles or listen to any radio
25 or television reports about the case or about anyone that has anything to

1 do with it. Do not research or make any investigation about this case on
2 your own. Now, this is a very simple instruction, so simple that people
3 frequently ignore it, overlook it, or do not comprehend it. So let me
4 amplify the instruction.

5 That means if something happens during the trial and there is
6 some testimony or some witness that you do not understand what they
7 are talking about and you know that your best friend may be an expert in
8 this area, you cannot call him and say, Hey, in the trial today, the
9 witness are talking about this and that, and next thing, and can you
10 explain to me. It also means that you cannot go on the Internet or social
11 media or anything such as that and look up anything about the --
12 anything to do about this trial.

13 Do not make up your mind about what the verdict should be
14 until after you have gone to the jury room to decide the case and you
15 and your fellow jurors have discussed the evidence. It is important
16 throughout the trial to keep an open mind.

17 At the end of this trial, you will have to make your decision
18 based on what you recall of the evidence. You will not have a written
19 transcript to consult. Even though we have a court recorder who takes
20 down the testimony, it is not typed into a readable format and is difficult
21 and time consuming for the court recorder to read back lengthy
22 testimony. Therefore, I would urge you to pay close attention to the
23 testimony as it is given.

24 We will now hear opening statements. But before that, does
25 either party invoke the exclusionary rule regarding witnesses?

1 MR. COYER: Yes, Your Honor.

2 THE COURT: The exclusionary rule having been invoked, is
3 there anybody present who expects to be called as a witness in this
4 matter? And if so, you are directed to please leave the courtroom.
5 There appears to be nobody present in the courtroom who may be a
6 witness in this case.

7 State of Nevada, are you prepared to present your opening
8 statement?

9 MR. DICKERSON: Yes, Your Honor.

10 THE COURT: Please proceed.

11 MR. DICKERSON: Thank you very much.

12 Ladies and gentlemen, Thursday, May 19th, 2016, began
13 pretty much normal for our two Las Vegas Metropolitan Police
14 Department officers, Officer Christopher Houston and Officer Jeremy
15 Jacobitz. They had attended a church barbecue at the Downtown Area
16 Command and were just leaving around 7:45 p.m.

17 They were pulling out of this area here, the Downtown Area
18 Command, which is the police station for the downtown area, just like it
19 sounds. And as they're pulling out, they see through the houses
20 across 9th Street a moped speeding down the alley, speeding
21 northbound down that alley that runs between 9th Street and 10th
22 Street.

23 Now, Officer Jacobitz, he's driving. Officer Houston, he's
24 riding passenger, working the radio. You'll hear that they don't always
25 work together, but when they do, that's generally how they do it, is

**PLEADING
CONTINUES
IN NEXT
VOLUME**