

IN THE SUPREME COURT OF THE STATE OF NEVADA

RAEKWON ROBERTSON,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

Electronically Filed
Feb 08 2024 10:39 AM
Elizabeth A. Brown
Clerk of Supreme Court

CASE NO: 87811

APPELLANT'S APPENDIX

Volume 1

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ORIGINAL

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

DEC 14 2017

BY, Nancy Maldonado
NANCY MALDONADO, DEPUTY

C-17-328587-2
IND
Indictment
4705313



DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO: C-17-328587-2

-vs-

DEPT NO: III

DEMARIO LOFTON-ROBINSON, aka,
Demario Loftonrobinson, #5318925
RAEKWON SETREY ROBERTSON,
aka, Raekwon Robertson, #8252804
DAVONTAE AMARRI WHEELER,
#5909081

INDICTMENT

Defendant(s).

STATE OF NEVADA }
COUNTY OF CLARK } ss.

The Defendant(s) above named, DEMARIO LOFTON-ROBINSON, aka, Demario Loftonrobinson, RAEKWON SETREY ROBERTSON, aka, Raekwon Robertson, DAVONTAE AMARRI WHEELER, accused by the Clark County Grand Jury of the crime(s) of BURGLARY WHILE IN POSSESSION OF A FIREARM (Category B Felony - NRS 205.060 - NOC 50426); CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147); ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138); ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.330, 193.165 - NOC 50145) and MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS

1 200.010, 200.030, 193.165 - NOC 50001), committed at and within the County of Clark, State
2 of Nevada, on or between August 2, 2017 and August 9, 2017, as follows:

3 COUNT 1 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

4 Defendant RAEKWON SETREY ROBERTSON, aka, Raekwon Robertson, did on or
5 about August 2, 2017 willfully, unlawfully, and feloniously enter, with intent to commit a
6 felony, to wit: robbery, that certain business occupied by FIESTA DISCOUNT MARKET
7 AND SMOKE SHOP, located at 701 West Charleston Boulevard, Las Vegas, Clark County,
8 Nevada, while possessing and/or gaining possession of a handgun, a deadly weapon, during
9 the commission of the crime and/or before leaving the structure.

10 COUNT 2 - CONSPIRACY TO COMMIT ROBBERY

11 Defendant RAEKWON SETREY ROBERTSON, aka, Raekwon Robertson, did on or
12 about August 2, 2017 willfully, unlawfully, and feloniously conspire with ANTONIO JONES
13 to commit a robbery, by the conspirators committing the acts as set forth in Counts 3 and 4,
14 said acts being incorporated by this reference as though fully set forth herein.

15 COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON

16 Defendant RAEKWON SETREY ROBERTSON, aka, Raekwon Robertson, along with
17 ANTONIO JONES, did on or about August 2, 2017 willfully, unlawfully, and feloniously take
18 personal property, to wit: a wallet, cellular telephone, and makeup case, from the person of
19 MARIAH ROMATKO, or in her presence, by means of force or violence, or fear of injury to,
20 and without the consent and against the will of MARIAH ROMATKO, with use of a deadly
21 weapon, to wit: a handgun, the Defendant being criminally liable under one or more of the
22 following principles of criminal liability, to wit: (1) by directly committing this crime; and/or
23 (2) by aiding or abetting in the commission of this crime, with the intent that this crime be
24 committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise
25 procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this
26 crime, with the intent that this crime be committed.

27 //

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1 COUNT 4 - ROBBERY WITH USE OF A DEADLY WEAPON

2 Defendant RAEKWON SETREY ROBERTSON, aka, Raekwon Robertson, along with
3 ANTONIO JONES, did on or about August 2, 2017 willfully, unlawfully, and feloniously take
4 personal property, to wit: U.S. Currency, from the person of AGNES STEIN, or in her
5 presence, by means of force or violence, or fear of injury to, and without the consent and
6 against the will of AGNES STEIN, with use of a deadly weapon, to wit: a handgun, the
7 Defendant being criminally liable under one or more of the following principles of criminal
8 liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the
9 commission of this crime, with the intent that this crime be committed, by counseling,
10 encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit
11 the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this
12 crime be committed.

13 COUNT 5 - CONSPIRACY TO COMMIT ROBBERY

14 Defendants DEMARIO LOFTON-ROBINSON, aka, Demario Loftonrobinson,
15 RAEKWON SETREY ROBERTSON, aka, Raekwon Robertson, and DAVONTAE AMARRI
16 WHEELER, did, on or about August 9, 2017, willfully, unlawfully, and feloniously conspire
17 with each other and/or unknown co-conspirators to commit a robbery, by the Defendants
18 and/or unknown co-conspirators committing the acts as set forth in Count 6, said acts being
19 incorporated by this reference as though fully set forth herein.

20 COUNT 6 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON

21 Defendants DEMARIO LOFTON-ROBINSON, aka, Demario Loftonrobinson,
22 RAEKWON SETREY ROBERTSON, aka, Raekwon Robertson, and DAVONTAE AMARRI
23 WHEELER, did, on or about August 9, 2017, willfully, unlawfully, and feloniously attempt to
24 take personal property, to wit: U.S. Currency and/or property, from the person of GABRIEL
25 VALENZUELA, or in his presence, by means of force or violence, or fear of injury to, and
26 without the consent and against the will of GABRIEL VALENZUELA, by pointing a firearm
27 at the said GABRIEL VALENZUELA and demanding said U.S. Currency and/or property,
28 with use of a deadly weapon, to wit: a firearm, the Defendants being criminally liable under

one or more of the following principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendant and/or DEMARIO LOFTON-ROBINSON and/or DESHAWN ROBINSON and/or RAEKWON ROBERTSON and/or unknown co-conspirators aiding or abetting and/or conspiring by Defendant and/or DEMARIO LOFTON-ROBINSON and/or DESHAWN ROBINSON and/or RAEKWON ROBERTSON and/or unknown co-conspirators acting in concert throughout.

COUNT 7 - MURDER WITH USE OF A DEADLY WEAPON

Defendants DEMARIO LOFTON-ROBINSON, aka, Demario Loftonrobinson, RAEKWON SETREY ROBERTSON, aka, Raekwon Robertson, and DAVONTAE AMARRI WHEELER, did, on or about August 9, 2017, willfully, unlawfully, feloniously and with malice aforethought, kill GABRIEL VALENZUELA, a human being, with use of a deadly weapon, to wit: a firearm, by shooting at and into the body of the said GABRIEL VALENZUELA, the said killing having been (1) willful, deliberate, and premeditated, and/or (2) committed during the perpetration or attempted perpetration of a robbery, the Defendants being criminally liable under one or more of the following principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring,

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1 commanding, inducing, and/or otherwise procuring the other to commit the crime; and/or (3)
2 pursuant to a conspiracy to commit murder and/or robbery; Defendants and/or unknown co-
3 conspirators aiding or abetting and/or conspiring by Defendants and/or unknown co-
4 conspirators acting in concert throughout.

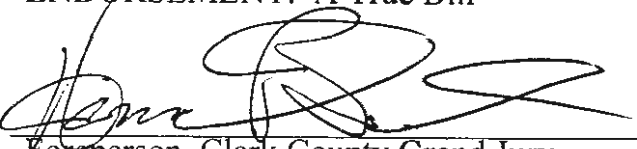
5 DATED this 13th day of December, 2017.

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

9 BY


10 GIANCARLO PESCI
11 Chief Deputy District Attorney
12 Nevada Bar #007135

13 ENDORSEMENT: A True Bill

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15 Foreperson, Clark County Grand Jury
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Names of Witnesses and testifying before the Grand Jury:

CODY, LORA – LVMPD #7294

DOSCH, MITCHELL – LVMPD #7907

FLETCHER, SHAWN – LVMPD #5221

JAEGER, RYAN – LVMPD #5587

MASON, ROBERT – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

NEWMAN, JAMES – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

RELATO, JOHN – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

SIMMS, DR. LARY – ME#0002

SPAHN, NICKOLAUS – SHORT LINE EXPRESS – 7325 S. JONES BLVD, LV NV

SPEAS, WILLIAM – LVMPD #5228

STEIN, AGNES – FIESTA DISCOUNT MARKET – 7010 W. CHARLESTON BLVD, LV
NV

TAPAY, GLEZZELLE, LVMPD #15709

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

CHARLTON, NOREEN – LVMPD #13572

CUSTODIAN OF RECORDS - CCDC

CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS

CUSTODIAN OF RECORDS - LVMPD RECORDS

CUSTODIAN OF RECORDS – SHORTLINE EXPRESS – 7325 S. JONES BLVD, LV NV

ROMATKO, MARIAH – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

17BGJ017A-C/17F14369A-C/ed - GJ
LVMPD EV#1708024571; 1708090029
(TK3)



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C-17-328587
DEPT. XX

10 vs.

11 DEMARIO LOFTON-ROBINSON,
12 AKA, DEMARIO LOFTONROBINSON,
13 RAEKWON SETREY ROBERTSON,
14 AKA, RAEKWON ROBERTSON,
15 DAVONTAE AMARRI WHEELER,
16 Defendants.

17 BEFORE THE HONORABLE ERIC JOHNSON, DISTRICT COURT JUDGE
18 TUESDAY, JANUARY 09, 2018

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21 **RECORDER'S TRANSCRIPT OF HEARING:**
22 **STATUS CHECK: TRIAL SETTING**

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25 SEE APPEARANCES ON PAGE 2

RECORDED BY: ANGIE CALVILLO, COURT RECORDER

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APPEARANCES:

For the State:	GIANCARLO PESCI Deputy District Attorney
For Defendant Lofton-Robinson:	SCOTT L. BINDRUP Chief Deputy Special Public Defender
For Defendant Robertson:	MACE J. YAMPOLSKY, ESQ.
For Defendant Wheeler:	JAMES J. RUGGEROLI, ESQ.

1 [Las Vegas, Nevada, Tuesday, January 09, 2018, at 9:52 a.m.]

2

3 THE COURT: State of Nevada versus Demario Lofton-
4 Robinson, Raekwon Robertson, and Davonte Wheeler, case number
5 C328587. Counsel, please note your appearances for the record.

6 MR. RUGGEROLI: Good morning, Your Honor. James
7 Ruggeroli appearing on behalf of Mr. Wheeler. He's present in custody.

8 MR. YAMPOLSKY: Mace Yampolsky appearing with
9 Raekwon Robertson. He's present in custody.

10 MR. BINDRUP: Scott Bindrup on behalf of Lofton-Robinson.

11 MR. PESCI: Giancarlo Pesci on behalf of the State.

12 THE COURT: Okay, I'm showing this as the time to do a trial
13 setting. This was indicted in December, is that correct?

14 MR. PESCI: Yes, Your Honor.

15 THE COURT: Okay. How long had the defendants been in
16 custody prior to the indictment?

17 MR. PESCI: I think the arrest date was in August.

18 THE COURT: Okay. All right, have the parties talked at all as
19 to a trial setting date?

20 MR. BINDRUP: No.

21 MR. RUGGEROLI: No.

22 THE COURT: Okay. Well let me hear -- Mr. Ruggeroli, you're
23 standing at the desk and closest to me, I'll let you -- do you have any
24 thoughts?

25 MR. RUGGEROLI: Judge, other than April, my calendar is

1 pretty open.

2 THE COURT: Okay. Mr. Bindrup.

3 MR. BINDRUP: I'd ask for an October 15th trial setting. I have
4 another matter, it's a capital case on that same date. And, quite frankly,
5 I think this particular case will be trial ready. And the other one I have a
6 question on at this juncture, but I'd like to at least be in a posture if -- for
7 something to go on that date.

8 THE COURT: Mr. Yampolsky.

9 MR. YAMPOLSKY: I'm reasonably flexible, but I would
10 request at least May.

11 THE COURT: Okay. All right, what's your schedule during
12 the summer, Mr. Bindrup?

13 MR. BINDRUP: Not good unless you set something like
14 September, maybe, which is only -- I mean, realistically, with the
15 October 15th work for other Counsel.

16 THE COURT: Okay. I mean --

17 MR. PESCI: Fine with the State.

18 THE COURT: I'm generally like to -- with these cases not do
19 anything more out than a year from when they're arrested, which is
20 August. What's your calendar look like in June -- or July or August, Mr.
21 Bindrup?

22 MR. BINDRUP: Not good. But give me a date, and I'll try to
23 make it work.

24 THE COURT: How many days do we think this one will take?

25 MR. BINDRUP: Two weeks.

1 MR. PESCI: I agree with that.

2 THE COURT: Okay.

3 THE CLERK: How about July 30th for trial?

4 THE COURT: Mr. Ruggeroli?

5 MR. RUGGEROLI: Judge, that's fine.

6 THE COURT: Mr. Yampolsky?

7 MR. YAMPOLSKY: Sounds okay for me.

8 THE COURT: All right.

9 MR. BINDRUP: You know my response already, Judge.

10 THE COURT: I'm concerned about, you know, getting the
11 defendants. If their Counsel indicate they're going to be ready to trial
12 especially since -- like I said, it's a general rule; I'd like to keep it.
13 People are in custody, and I hate things to drag past a year unless it's
14 necessary. And, obviously, sometimes it is but let's go ahead and we'll
15 work on that basis.

16 How are we doing with discovery?

17 MR. PESCI: We provided everything that we have.

18 THE COURT: Okay. Any issues that you guys have right now
19 with the discovery that's been provided, Mr. Ruggeroli?

20 MR. RUGGEROLI: Judge, I know that we've requested
21 ballistics' testing specifically on a firearm that was allegedly obtained
22 from either my client's residence or a family member's. I haven't heard
23 back; I'm sure the State is working on it, but that is something that's very
24 important to us.

25 MR. PESCI: I don't have it completed.

1 THE COURT: Okay, but are you working on it?

2 MR. PESCI: I believe that the forensic request had been
3 done. I can't speak specifically to which thing he's asking for, but I
4 believe forensics had been requested.

5 THE COURT: All right, forensics; ballistics.

6 Mr. Yampolsky, your perspective?

7 MR. YAMPOLSKY: Right now, I'm fine. I know my client
8 wanted to discuss a quote unquote evidentiary hearing. I'm happy to
9 discuss that with him. At this stage of the game, I don't know of any
10 evidentiary hearings that I would request. But I'm always working --

11 THE COURT: Okay. Well, I mean -- obviously, if something
12 comes up, you can file a motion and we'll deal with it. Any issues you
13 got with discovery?

14 MR. YAMPOLSKY: No.

15 THE COURT: All right. Mr. Bindrup, what's your perspective?

16 MR. BINDRUP: If you give us enough time for a status check
17 date, I'll try to -- again, got 3 or 4 individuals, plus a homicide detective
18 to do the vault, and then also with Mr. Pesci to do the file review. So if
19 you -- I know you like to set these within a month, but I don't think we'll
20 be able to coordinate schedules that quickly. So if you could put it out a
21 little bit longer, the status check.

22 THE COURT: What I'm going to do with this one is based
23 upon what I'm hearing, I'll put it out to the April stack for a status check.
24 I'll expect us to have the ballistics done, or a specific schedule as to
25 when those are going to be done by the April status check; that we do

1 any vault or evidence review with the State by that time; gives you plenty
2 of time to schedule it.

3 MR BINDRUP: So that would be April 4th, Your Honor?

4 THE CLERK: Will be April 5th at 8:30.

5 MR. BINDRUP: I ask for April 4th. It'll be -- no, I just have -- I
6 have other matters set April 4th, that's all.

7 THE CLERK: April 4th is a Wednesday.

8 THE COURT: No, no.

9 MR. BINDRUP: Oh, really? Okay, so it is -- it would be the
10 5th?

11 THE COURT: Yeah.

12 MR. BINDRUP: Okay, that's fine.

13 THE CLERK: In here.

14 MR. PESCI: Could we get a calendar call date?

15 THE CLERK: Not yet.

16 THE COURT: All right, go ahead and give everybody the
17 dates that they need.

18 THE CLERK: Okay. Calendar call is July 24th at 8:30; jury
19 trial, July 30th at nine a.m., and the status check is April 5th at 8:30.

20 MR. PESCI: Thank you very much.

21 MR. BINDRUP: And, Your Honor, the grand jury transcript, I
22 just barely got it. I got the copy to my client this morning. May I request
23 that we have 30 days from today in which to file a writ if we deem it
24 necessary?

25 THE COURT: Well, usually, it's 21 days. I mean, I can't

1 imagine there's a lot of surprise. What's the State's position?

2 MR. PESCI: I'll submit it, Judge.

3 MR. BINDRUP: So could we have 30 days from today?

4 THE COURT: All right, 30 days.

5 MR. BINDRUP: Thank you. I appreciate it.

6 MR. RUGGEROLI: That will apply to all defendants?

7 THE COURT: That will apply to all defendants.

8 MR. RUGGEROLI: Thank you, Judge.

9 THE COURT: Anything else?

10 MR. RUGGEROLI: No, Judge.

11 MR. PESCI: No. Thank you.

12 MR. RUGGEROLI: Thank you.

13 MR. BINDRUP: Thanks.

14 THE COURT: All right. Thank you, guys.

15 [Hearing concluded at 9:59 a.m.]

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

24 

25 Angie Calvillo
Court Recorder/Transcriber

Felony/Gross Misdemeanor

COURT MINUTES

February 13, 2018

C-17-328587-2 State of Nevada
 vs
 Raekwon Robertson

February 13, 2018 08:30 AM Confirmation of Counsel

HEARD BY: Johnson, Eric COURTROOM: RJC Courtroom 12A

COURT CLERK: Kearney, Madalyn; Skinner, Linda

RECORDER: Calvillo, Angie

REPORTER:

PARTIES PRESENT:

Megan Thomson	Attorney for Plaintiff
Michael W. Sanft	Attorney for Defendant
Raekwon Setrey Robertson	Defendant
State of Nevada	Plaintiff

JOURNAL ENTRIES

Mr. Sanft confirmed as counsel of record. Court advised Deft. to work with Mr. Sanft and listen to him as the court is not going to keep rotating attorneys for his case. COURT ORDERED, trial date STANDS.

CUSTODY



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C-17-328587
DEPT. XX

10 vs.

11 DEMARIO LOFTON-ROBINSON,
12 AKA, DEMARIO LOFTONROBINSON,
13 RAEKWON SETREY ROBERTSON,
14 AKA, RAEKWON ROBERTSON,
15 DAVONTAE AMARRI WHEELER,
16 Defendants.

17 BEFORE THE HONORABLE ERIC JOHNSON, DISTRICT COURT JUDGE
18 THURSDAY, APRIL 05, 2018

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21 **RECORDER'S TRANSCRIPT OF HEARING:**
22 **STATUS CHECK: HOMICIDE TRIAL**

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25 SEE APPEARANCES ON PAGE 2

RECORDED BY: ANGIE CALVILLO, COURT RECORDER

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APPEARANCES:

For the State:	GIANCARLO PESCI Deputy District Attorney
For Defendant Lofton-Robinson:	SCOTT L. BINDRUP Chief Deputy Special Public Defender
For Defendants Wheeler and Robertson:	JAMES J. RUGGEROLI, ESQ.

1 [Las Vegas, Nevada, Thursday, April 05, 2018, at 10:39 a.m.]

2
3 THE COURT: State of Nevada versus Demario Lofton-
4 Robinson, Raekwon Robertson, and Davonte Wheeler, case number
5 C328587. Counsel, please note your appearances for the record.

6 MR. PESCI: Giancarlo Pesci on behalf of the State.

7 MR. RUGGEROLI: Good morning, Your Honor. James
8 Ruggeroni appearing on behalf of Mr. Wheeler who's present in custody.

9 MR. BINDRUP: Scott Bindrup on behalf of Mr. Lofton-
10 Robinson.

11 MR. RUGGEROLI: And, Judge, I can stand in for Mr. Sanft.

12 THE COURT: Okay.

13 MR. RUGGEROLI: If the Court would accept that.

14 THE COURT: All right. I'm showing this as a status check.

15 Mr. Ruggeroni, last time you stated you had requested
16 the ballistic testing on the firearm; Mr. Pesci indicated forensics had
17 been requested. Where do we, sort of, stand with that?

18 MR. RUGGEROLI: Judge, if you recall, we had filed a Petition
19 for Writ of Habeas Corpus. The State subsequently did obtain those
20 ballistic results; you have ordered them to return to the grand jury to
21 provide --

22 THE COURT: Oh, that's right. Okay, I remember this now, I
23 apologize.

24 MR. RUGGEROLI: Yeah. It's my understanding the State will
25 proceed within the next couple of weeks.

1 MR. PESCI: That's correct. We have time.

2 THE COURT: Okay. All right.

3 THE DEFENDANT WHEELER: Excuse me -- excuse me,
4 Your Honor, may I ask may I get a time exactly, a time to when --

5 THE COURT: I'm sorry, is this your client, Mr. Ruggeroli?

6 MR. RUGGEROLI: It is, Judge.

7 THE DEFENDANT WHEELER: That's my --

8 MR. RUGGEROLI: And we would request the time, date and
9 place of any proceedings so that I can fully advise my client of his right
10 to be present. I discussed that with him this morning. I'm sure Mr. Pesci
11 will provide me with those dates.

12 MR. PESCI: Assuming he signs a waiver and all those things.
13 Defense Counsel told me that his client is discussing the idea of possibly
14 testifying at the grand jury. We'll go through that process assuming
15 that's what he wants to do.

16 THE COURT: Okay. Well, I mean, you know the process in
17 which you need to do.

18 MR. PESCI: Yes.

19 THE COURT: So I'll leave that up -- but I will -- there is no
20 issue with informing them of the date of the proceeding?

21 MR. PESCI: Well he's got to sign a waiver, Judge.

22 THE COURT: Okay.

23 MR. PESCI: And so when he goes through that process -- it's
24 within the next two weeks and so he's got time to do that. He's already
25 been given a Marcum notice, so he's already on notice.

1 THE COURT: Okay, so the Marcum notice has been given?

2 MR. PESCI: That's correct.

3 THE COURT: Okay. All right. So your attorney can explain
4 to you the whole procedure as it relates. The key thing I was concerned
5 about was whether or not the Marcum notice had been provided.

6 MR. PESCI: Yeah, months and months ago.

7 THE COURT: Okay. All right. So you can talk with your
8 attorney in terms of what you want to do as far as appearing before the
9 grand jury.

10 [Colloquy between Mr. Ruggeroli and Defendant Wheeler]

11 MR. RUGGEROLI: Thank you, Judge.

12 THE COURT: Sure. All right.

13 And then, Mr. Bindrup, how's -- were you able to get the
14 vault review in?

15 [Colloquy between Mr. Pesci and Mr. Bindrup]

16 MR. BINDRUP: We did complete the vault review. We have
17 not done a -- we need to follow up with a file review with the DA's office.

18 THE COURT: Okay. All right, so we got the vault review at
19 least done. The file review is still to be done, right?

20 MR. BINDRUP: Right.

21 THE COURT: Okay. All right, any other forensics from the
22 State's side that you're aware of, Mr. Pesci?

23 MR. PESCI: No.

24 THE COURT: Okay, anything else from the Defense side in
25 terms of forensics that you think happened or you want?

1 MR. RUGGEROLI: Not at this point, Judge. We'll be
2 following up with everything.

3 THE COURT: All right, any discovery issues as far as -- with
4 the State at this point?

5 MR. RUGGEROLI: No, Judge.

6 THE COURT: Okay, anything I can help you with in terms of
7 getting records, investigation or anything like that?

8 MR. RUGGEROLI: Not at this point, Judge.

9 THE COURT: All right, we're set for trial at the end of July.
10 Let me hear from you, Mr. Bindrup. Do you concur with all those
11 comments by Mr. Ruggeroli?

12 MR. BINDRUP: Yes. Other than -- if there's going to be a
13 superseding than this, I do not expect that to be a valid trial date but
14 we'll see how it goes.

15 THE COURT: Okay. Well the superseding is not going to
16 dramatically change what's already out there, is it?

17 MR. PESCI: We'll see, Judge.

18 THE COURT: We'll see, okay. All right.

19 MR. PESCI: I mean, I have no new charges are pending. I
20 mean, you've ordered me as far as the firearm's report.

21 THE COURT: Right. Well we'll see what happens. All right,
22 we'll see what happens.

23 MR. PESCI: Things always change in cases especially with
24 co-defendants.

25 THE COURT: No, I understand. All right. So, you know,

1 that's up to the State in terms of how it wants to proceed in terms of the
2 charges, so we'll see what happens with that. All right. And, in fact,
3 because of that, why don't we go ahead; we'll set this then for a status
4 check on the May homicide stack, and that way -- you would anticipate
5 any new indictment by then?

6 MR. PESCI: Yes.

7 THE COURT: Okay, so that way we'll know where we're at, at
8 that point in time.

9 THE CLERK: May 3rd at 8:30.

10 MR. RUGGEROLI: Thank you, Judge.

11 MR. PESCI: Thank you.

12 MR. BINDRUP: Thank you.

13 [Hearing concluded at 10:45 a.m.]
14
15

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

18 

19 Angie Calvillo
20 Court Recorder/Transcriber
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ORIGINAL

IND

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
GIANCARLO PESCI
Chief Deputy District Attorney
Nevada Bar #007135
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

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

APR 19 2018

BY

DULCE MARIE ROMEA, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO: C-17-328587-2

-vs-

DEPT NO: XX

DEMARIO LOFTON-ROBINSON, aka,
Demario Loftonrobinson, #5318925
RAEKWON SETREY ROBERTSON,
aka, Raekwon Robertson, #8252804
DAVONTAE AMARRI WHEELER,
#5909081

Defendant(s).

SUPERSEDING

INDICTMENT

STATE OF NEVADA

COUNTY OF CLARK

} ss.

The Defendant(s) above named, DEMARIO LOFTON-ROBINSON, aka, Demario Loftonrobinson, RAEKWON SETREY ROBERTSON, aka, Raekwon Robertson, DAVONTAE AMARRI WHEELER, accused by the Clark County Grand Jury of the crime(s) of BURGLARY WHILE IN POSSESSION OF A FIREARM (Category B Felony - NRS 205.060 - NOC 50426); CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147); ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138); ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.330, 193.165 - NOC 50145) and MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS

C-17-328587-2
SIND
Superseding Indictment
4739689



1 200.010, 200.030, 193.165 - NOC 50001), committed at and within the County of Clark, State
2 of Nevada, on or between August 2, 2017 and August 9, 2017, as follows:

3 COUNT 1 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

4 Defendant RAEKWON SETREY ROBERTSON, aka, Raekwon Robertson, did on or
5 about August 2, 2017 willfully, unlawfully, and feloniously enter, with intent to commit a
6 felony, to wit: robbery, that certain business occupied by FIESTA DISCOUNT MARKET
7 AND SMOKE SHOP, located at 701 West Charleston Boulevard, Las Vegas, Clark County,
8 Nevada, while possessing and/or gaining possession of a handgun, a deadly weapon, during
9 the commission of the crime and/or before leaving the structure.

10 COUNT 2 - CONSPIRACY TO COMMIT ROBBERY

11 Defendant RAEKWON SETREY ROBERTSON, aka, Raekwon Robertson, did on or
12 about August 2, 2017 willfully, unlawfully, and feloniously conspire with ANTONIO JONES
13 to commit a robbery, by the conspirators committing the acts as set forth in Counts 3 and 4,
14 said acts being incorporated by this reference as though fully set forth herein.

15 COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON

16 Defendant RAEKWON SETREY ROBERTSON, aka, Raekwon Robertson, along with
17 ANTONIO JONES, did on or about August 2, 2017 willfully, unlawfully, and feloniously take
18 personal property, to wit: a wallet, cellular telephone, and makeup case, from the person of
19 MARIAH ROMATKO, or in her presence, by means of force or violence, or fear of injury to,
20 and without the consent and against the will of MARIAH ROMATKO, with use of a deadly
21 weapon, to wit: a handgun, the Defendant being criminally liable under one or more of the
22 following principles of criminal liability, to wit: (1) by directly committing this crime; and/or
23 (2) by aiding or abetting in the commission of this crime, with the intent that this crime be
24 committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise
25 procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this
26 crime, with the intent that this crime be committed.

27 //

28 //

1 COUNT 4 - ROBBERY WITH USE OF A DEADLY WEAPON

2 Defendant RAEKWON SETREY ROBERTSON, aka, Raekwon Robertson, along with
3 ANTONIO JONES, did on or about August 2, 2017 willfully, unlawfully, and feloniously take
4 personal property, to wit: U.S. Currency, from the person of AGNES STEIN, or in her
5 presence, by means of force or violence, or fear of injury to, and without the consent and
6 against the will of AGNES STEIN, with use of a deadly weapon, to wit: a handgun, the
7 Defendant being criminally liable under one or more of the following principles of criminal
8 liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the
9 commission of this crime, with the intent that this crime be committed, by counseling,
10 encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit
11 the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this
12 crime be committed.

13 COUNT 5 - CONSPIRACY TO COMMIT ROBBERY

14 Defendants DEMARIO LOFTON-ROBINSON, aka, Demario Loftonrobinson,
15 RAEKWON SETREY ROBERTSON, aka, Raekwon Robertson, and DAVONTAE AMARRI
16 WHEELER, did, on or about August 9, 2017, willfully, unlawfully, and feloniously conspire
17 with each other and/or unknown co-conspirators to commit a robbery, by the Defendants
18 and/or unknown co-conspirators committing the acts as set forth in Count 6, said acts being
19 incorporated by this reference as though fully set forth herein.

20 COUNT 6 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON

21 Defendants DEMARIO LOFTON-ROBINSON, aka, Demario Loftonrobinson,
22 RAEKWON SETREY ROBERTSON, aka, Raekwon Robertson, and DAVONTAE AMARRI
23 WHEELER, did, on or about August 9, 2017, willfully, unlawfully, and feloniously attempt to
24 take personal property, to wit: U.S. Currency and/or property, from the person of GABRIEL
25 VALENZUELA, or in his presence, by means of force or violence, or fear of injury to, and
26 without the consent and against the will of GABRIEL VALENZUELA, by pointing a firearm
27 at the said GABRIEL VALENZUELA and demanding said U.S. Currency and/or property,
28 with use of a deadly weapon, to wit: a firearm, the Defendants being criminally liable under

one or more of the following principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendant and/or DEMARIO LOFTON-ROBINSON and/or DESHAWN ROBINSON and/or RAEKWON ROBERTSON and/or unknown co-conspirators aiding or abetting and/or conspiring by Defendant and/or DEMARIO LOFTON-ROBINSON and/or DESHAWN ROBINSON and/or RAEKWON ROBERTSON and/or unknown co-conspirators acting in concert throughout.

COUNT 7 - MURDER WITH USE OF A DEADLY WEAPON

Defendants DEMARIO LOFTON-ROBINSON, aka, Demario Loftonrobinson, RAEKWON SETREY ROBERTSON, aka, Raekwon Robertson, and DAVONTAE AMARRI WHEELER, did, on or about August 9, 2017, willfully, unlawfully, feloniously and with malice aforethought, kill GABRIEL VALENZUELA, a human being, with use of a deadly weapon, to wit: a firearm, by shooting at and into the body of the said GABRIEL VALENZUELA, the said killing having been (1) willful, deliberate, and premeditated, and/or (2) committed during the perpetration or attempted perpetration of a robbery, the Defendants being criminally liable under one or more of the following principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring,

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1 commanding, inducing, and/or otherwise procuring the other to commit the crime; and/or (3)
2 pursuant to a conspiracy to commit murder and/or robbery; Defendants and/or unknown co-
3 conspirators aiding or abetting and/or conspiring by Defendants and/or unknown co-
4 conspirators acting in concert throughout.

5 DATED this 18th day of April, 2018.

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

9 BY

10 GIANCARLO PESCI
11 Chief Deputy District Attorney
12 Nevada Bar #007135

13 ENDORSEMENT: A True Bill

14
15 
16 Foreperson, Clark County Grand Jury

Names of Witnesses and testifying before the Grand Jury:

CODY, LORA – LVMPD #7294

DOSCH, MITCHELL – LVMPD #7907

FLETCHER, SHAWN – LVMPD #5221

JAEGER, RYAN – LVMPD #5587

LESTER, ANYA, LVMPD

MASON, ROBERT – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

NEWMAN, JAMES – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

RELATO, JOHN – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

SIMMS, DR. LARY – ME#0002

SPAHN, NICKOLAUS – SHORT LINE EXPRESS – 7325 S. JONES BLVD, LV NV

SPEAS, WILLIAM – LVMPD #5228

STEIN, AGNES – FIESTA DISCOUNT MARKET-7010 W. CHARLESTON BLVD, LV NV

TAPAY, GLEZZELLE, LVMPD #15709

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

CHARLTON, NOREEN – LVMPD #13572

CUSTODIAN OF RECORDS - CCDC

CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS

CUSTODIAN OF RECORDS - LVMPD RECORDS

CUSTODIAN OF RECORDS – SHORTLINE EXPRESS – 7325 S. JONES BLVD, LV NV

ROMATKO, MARIAH – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

17BGJ017A-C/17F14369A-C/mc - GJ
LVMPD EV#1708024571; 1708090029
(TK3)



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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C-17-328587
DEPT. XX

10 vs.

11 DEMARIO LOFTON-ROBINSON, aka
12 DEMARIO LOFTONROBINSON;
13 RAEKWON SETREY ROBERTSON,
14 aka RAEKWON ROBERTSON;
15 DAVONTAE AMARRI WHEELER,
16 Defendants.

17 BEFORE THE HONORABLE ERIC JOHNSON, DISTRICT COURT JUDGE
18 THURSDAY, MAY 03, 2018

19 **RECORDER'S TRANSCRIPT OF HEARING:**
20 **INITIAL ARRAIGNMENT (SUPERSEDING INDICTMENT);**
21 **STATUS CHECK: HOMICIDE TRIAL**

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23
24
25 SEE APPEARANCES ON PAGE 2

RECORDED BY: ANGIE CALVILLO, COURT RECORDER

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APPEARANCES:

For the State:	GIANCARLO PESCI Deputy District Attorney
For Defendant Lofton-Robinson:	SCOTT L. BINDRUP Chief Deputy Special Public Defender
For Defendant Robertson & Wheeler:	JAMES J. RUGGEROLI, ESQ.

1 [Las Vegas, Nevada, Thursday, May 03, 2018, at 10:17 a.m.]

2

3 THE COURT: State of Nevada versus Demario Lofton-
4 Robinson, and Raekwon Robertson, and Davontae Wheeler, case
5 number C328587. Counsel, please note your appearances for the
6 record.

7 MR. PESCI: Giancarlo Pesci on behalf of the State.

8 MR. RUGGEROLI: Good morning, Your Honor. James
9 Ruggeroli on behalf of Mr. Wheeler who's present in custody. I believe I
10 can stand in for Mr. Sanft for Mr. Robertson.

11 THE COURT: All right.

12 MR. BINDRUP: Scott Bindrup on behalf of Mr. Lofton-
13 Robinson.

14 THE COURT: All right, so we needed to do initial arraignment
15 as to Mr. Sanft's client, is that correct?

16 MR. PESCI: It was somewhat a typical situation, Your Honor.
17 We had previously been here. There was a writ filed by Mr. Wheeler
18 indicating or alleging that the probable cause was unfounded because of
19 a subsequent report came in on the firearm's evidence. You ordered me
20 to go back to the grand jury --

21 THE COURT: I remember that.

22 MR. PESCI: -- to present that firearm's evidence; I did, and
23 they found probable cause again and we're back.

24 THE COURT: All right. Okay. All right, so who needs to be
25 arraigned today?

1 MR. RUGGEROLI: Mr. Wheeler.

2 THE COURT: Mr. Wheeler. What about Mr. Raekwon
3 Robertson?

4 MR. PESCI: Judge, I'm not really sure, it's a superseding
5 indictment. I would assume they all do, but -- I mean, nothing's
6 changed. There's no new charges. There's nothing. We just present to
7 which you ordered us to present.

8 THE COURT: Okay. All right. Well as to Mr. Robertson, are
9 you able to represent him for purposes of doing the arraignment?

10 MR. RUGGEROLI: Yes.

11 THE COURT: Okay. All right, then you're representing Mr.
12 Wheeler?

13 MR. RUGGEROLI: That's correct.

14 THE COURT: Okay. All right. Is everybody charged in every
15 count?

16 MR. PESCI: I don't know. No, because --

17 THE COURT: Okay, I've got --

18 MR. PESCI: Counts 1, 2 and 3 --

19 THE COURT: All right, I think my clerk has got it broken out.

20 MR. PESCI: Yeah, 1 through 4 only involves --

21 THE COURT: Okay, we'll do this one by one.

22 Mr. Bindrup, let's start with your client. All right,
23 Mr. Lofton-Robinson, have you been provided with a copy of the
24 Superseding Indictment against you?

25 MR. BINDRUP: Your Honor, I just received it this morning

1 from Mr. Pesci, just based on his representations that nothing is
2 different. I indicated to him that it's like the Indictment that he pled not
3 guilty to previously.

4 THE COURT: All right.

5 MR. BINDRUP: So he is prepared to proceed, Your Honor.

6 THE COURT: All right. So there's nothing different from what
7 he had read previously?

8 MR. PESCI: Nothing's changed at all.

9 THE COURT: Okay. All right, Mr. Lofton-Robinson, did you
10 previously read the Indictment that was brought against you?

11 THE DEFENDANT LOFTON-ROBINSON: Yes, sir.

12 THE COURT: Okay. And will you waive the reading of the
13 Superseding Indictment here in court today?

14 MR. BINDRUP: Yes, he would, Your Honor.

15 THE COURT: Okay. Now, state your name.

16 THE DEFENDANT LOFTON-ROBINSON: Demario Lofton-
17 Robinson.

18 THE COURT: And how old are you?

19 THE DEFENDANT LOFTON-ROBINSON: Nineteen.

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

21 THE DEFENDANT LOFTON-ROBINSON: Graduated.

22 THE COURT: Do you read, write and understand the English
23 language?

24 THE DEFENDANT LOFTON-ROBINSON: Yes, sir.

25 THE COURT: All right, you've been provided with a true copy

1 of the Superseding Indictment, which has been represented to be
2 exactly the same as the original Indictment brought against you in which
3 you've been charged in Count 1 with burglary while in possession of a
4 deadly weapon --

5 MR. BINDRUP: No, Your Honor, his counts --

6 MR. PESCI: Five.

7 MR. BINDRUP: -- start from Count 5.

8 THE CLERK: Counts 5, 6 and 7.

9 THE COURT: All right. Okay, so he's only in 5, 6 and 7?

10 MR. PESCI: Correct.

11 MR. BINDRUP: Correct.

12 THE COURT: All right. Charged in Count 5 with conspiracy
13 to commit robbery, in violation of category B felony in violation of
14 Nevada Revised Statute 200.380 and 199.480; in Count 6 with attempt
15 robbery with use of a deadly weapon, a category B felony in violation of
16 Nevada Revised Statute 200.380, 193.330 and 193.165, and in Count 7
17 with murder with use of a deadly weapon, a category B felony in
18 violation of Nevada Revised Statute 200.380, 193.330 and 193.165.

19 Do you understand the nature of the charges against
20 you in the Indictment?

21 THE DEFENDANT LOFTON-ROBINSON: Yes, sir.

22 THE COURT: All right. Have you discussed these charges
23 with your attorney sufficient for you to plead here today?

24 THE DEFENDANT LOFTON-ROBINSON: Yes, sir.

25 THE COURT: How then do you plead to the charges in

1 Counts 5, 6 and 7, guilty or not guilty?

2 THE DEFENDANT LOFTON-ROBINSON: Not guilty.

3 THE COURT: All right, not guilty. Have you -- did he
4 previously waive the 60 days?

5 MR. BINDRUP: Yes, he did, Your Honor.

6 THE COURT: All right. I assume -- does he continue to waive
7 the 60-day rule?

8 MR. BINDRUP: Yes, he does.

9 THE COURT: All right. Let's go to Mr. Raekwon Robertson.
10 Mr. Robertson, have you been provided with a copy of the Superseding
11 Indictment, or a copy of the original Indictment?

12 THE DEFENDANT ROBERTSON: The original. He just
13 showed me the superseding one now. But previously, no.

14 THE COURT: All right. You were provided with a copy of the
15 original Indictment against you?

16 THE DEFENDANT ROBERTSON: Yeah, I got plenty of them.

17 THE COURT: All right. And did you have a chance to read
18 that original Indictment?

19 THE DEFENDANT ROBERTSON: Yes.

20 THE COURT: Okay. Will you waive the reading today of the
21 Superseding Indictment here in court?

22 THE DEFENDANT ROBERTSON: Yes.

23 THE COURT: Okay. Thank you. Now, state your true name.

24 THE DEFENDANT ROBERTSON: Raekwon Setrey
25 Robertson.

1 THE COURT: And how old are you?

2 THE DEFENDANT ROBERTSON: Twenty-one.

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

4 THE DEFENDANT ROBERTSON: The tenth grade.

5 THE COURT: Okay. Do you read, write and understand the
6 English language?

7 THE DEFENDANT ROBERTSON: Yes.

8 THE COURT: Okay. Now you've been provided with a
9 copy -- you previously read the original Indictment against you in this
10 case, which the State has represented is exactly the same as the
11 Superseding Indictment that's before the Court today.

12 And in the original Indictment and the Superseding
13 Indictment, you're charged in Count 1 with burglary while in possession
14 of a deadly weapon, a category B felony in violation Nevada Revised
15 State 205.060; in Count 2 with conspiracy to commit robbery, and in
16 Count 5 with conspiracy to commit robbery; Count 3 and Count 4 with
17 robbery with use of a deadly weapon, a category B felony in violation of
18 Nevada Revised Statute 200.380 and 193.165; Count 6 with attempt
19 robbery with use of a deadly weapon, and in Count 7 with murder with
20 use of a deadly weapon.

21 Do you understand the nature of the charges against
22 you in the Superseding Indictment?

23 THE DEFENDANT ROBERTSON: Yes.

24 THE COURT: Okay. Have you discussed with your attorney
25 the charges sufficient for you to plead here today?

1 THE DEFENDANT ROBERTSON: No. Honestly, my attorney
2 in almost -- since February the 13th, he hasn't come to visit me yet.

3 THE COURT: Okay.

4 MR. RUGGEROLI: Judge, I believe that his prior attorney
5 went over the original Indictment with him, and I'm standing in for Mr.
6 Sanft. But I believe since he has gone over the previous Indictment with
7 Mr. Yampolsky --

8 THE COURT: Did you go over the previous Indictment with
9 Mr. Yampolsky?

10 THE DEFENDANT ROBERTSON: He gave me the paper; I
11 went over it. I went over it, like, with myself. He didn't go over it with me
12 though.

13 THE COURT: Okay. Did you talk to him about it at all?

14 THE DEFENDANT ROBERTSON: No. We just talked about,
15 like, my case and when we're starting trial and stuff like that.

16 THE COURT: Okay, but you did talk about your case with
17 him?

18 THE DEFENDANT ROBERTSON: Yeah, I did.

19 THE COURT: All right. Do you think -- are you able to go
20 forward today and plead to the charges in the Superseding Indictment?

21 THE DEFENDANT ROBERTSON: Yes.

22 THE COURT: All right, how then do you plead to the charges
23 against you in Counts 1, 2, 3, 4, 5, 6 and 7 --

24 THE DEFENDANT ROBERTSON: Not guilty.

25 THE COURT: -- guilty or not guilty?

1 THE DEFENDANT ROBERTSON: Not guilty.

2 THE COURT: Okay. All right, not guilty. Now, do you --
3 where is Mr. Sanft?

4 MR. RUGGEROLI: Judge, I honestly don't know. I expected
5 he's in another court right now.

6 THE COURT: He's entitled to assert the right to a speedy
7 trial. And if he hasn't talked with an attorney, I'm not sure how he can
8 knowingly assert or not assert a speedy trial. I mean, can you reach out
9 to Mr. Sanft at all and see if we can get him in here?

10 MR. RUGGEROLI: Yes.

11 THE COURT: Okay. All right, I'm going to trail as to Mr.
12 Robertson for a while. We'll come back to you in a little bit, okay?

13 THE DEFENDANT ROBERTSON: Okay, thank you.

14 THE COURT: And then let's go to Mr. Wheeler. Is he just
15 charged in 5, 6, 7?

16 MR. RUGGEROLI: Yes. Yes, Judge.

17 THE COURT: Okay. All right. Okay, Mr. Wheeler, have you
18 been provided with a copy of the Superseding Indictment?

19 THE DEFENDANT WHEELER: Yes, I have.

20 THE COURT: Okay. It's my understanding that Indictment is
21 essentially the same -- or is exactly the same as the original Indictment.
22 Were you provided with a copy of the original Indictment?

23 THE DEFENDANT WHEELER: Yeah.

24 THE COURT: Did you read it?

25 THE DEFENDANT WHEELER: Yes, I did, sir.

1 THE COURT: Okay. And will you waive the reading out loud
2 here today in court of the Superseding Indictment?

3 THE DEFENDANT WHEELER: It's basically going over the
4 same charges, sir.

5 THE COURT: Yeah.

6 THE DEFENDANT WHEELER: I'll waive it.

7 THE COURT: Okay. All right. Thank you. State your true
8 name.

9 THE DEFENDANT WHEELER: My name is Davonte
10 Wheeler.

11 THE COURT: All right. And how old are you?

12 THE DEFENDANT WHEELER: I'm twenty-three.

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

14 THE DEFENDANT WHEELER: I graduated.

15 THE COURT: All right. Do you read, write and understand
16 the English language?

17 THE DEFENDANT WHEELER: Yes, I do.

18 THE COURT: All right, you've been charged in Count 5 of the
19 Superseding Indictment with conspiracy to commit robbery, and Count 6
20 with attempt robbery with use of a deadly weapon, and in Count 7 with
21 murder with use of a deadly weapon.

22 Do you understand the nature of the charges against
23 you in the Superseding Indictment?

24 THE DEFENDANT WHEELER: Yes, I do.

25 THE COURT: Okay. Have you discussed these charges with

1 your attorney sufficient for you to plead here today?

2 THE DEFENDANT WHEELER: Yes. Yes, I am.

3 THE COURT: All right, how then do you plead to the charges
4 in Counts 5, 6 and 7, guilty or not guilty?

5 THE DEFENDANT WHEELER: I plead not guilty.

6 THE COURT: All right. Now you're entitled to a speedy trial
7 within 60 days from the date of arraignment in this case. Do you wish to
8 invoke the 60-day rule?

9 THE DEFENDANT WHEELER: No, I don't.

10 THE COURT: All right. Let's go ahead and set --

11 THE DEFENDANT WHEELER: And can I talk to my lawyer
12 real quick?

13 THE COURT: Go ahead. Has Mr. Robertson previously
14 waived his 60 days?

15 MR. PESCI: Yes. We already had a July 30th date set, so we
16 already went through all those steps to get that date.

17 THE COURT: All right. Mr. Robertson, can I call you back up.
18 Did you talk with your attorney previously about --

19 THE DEFENDANT ROBERTSON: No. No, I didn't. I talk to
20 him about no 60 day nothing. I just spoken to my attorney just February
21 13th, and he wasn't even at my last court date. I called him; I called him,
22 but he don't answer his phone.

23 THE COURT: All right.

24 THE DEFENDANT ROBERTSON: So, like, I don't know
25 about a 60-day waive or -- I don't know.

1 THE COURT: We'll set the trial date as to the other two
2 defendants, and we'll put Mr. Robertson on calendar on the next date
3 and get Mr. Sanft in here. I want him in here.

4 MR. RUGGEROLI: I understand. And, Judge, can I make a
5 quick record on two additional issues?

6 THE COURT: Sure.

7 MR. RUGGEROLI: I'd like to make the State aware we intend
8 to file another writ. I'd like to request 21 days from today's arraignment
9 for the filing of that writ. We're going to be alleging similar arguments,
10 but they are different in light of the evidence that was presented.

11 Also, Judge, it's very important what Mr. Wheeler just
12 asked me; to make sure I made a record of. The last time we were in
13 court, I made the State aware that Mr. Wheeler had indicated that he
14 may want to testify before the grand jury. So when the State made a
15 record about that, I want to make it very, very clear that that would've
16 been solely for the purpose of testifying on his own behalf. And in no
17 way was there ever a discussion that he would be testifying for the
18 State. And just so that's very clear because I think that that was
19 potentially misunderstood through no fault of Mr. Pesci's.

20 But after our court date last time, I spoke with Mr.
21 Wheeler and clarified everything. He did not testify, and so I just wanted
22 to make sure that we were clear on the record about that.

23 MR. PESCI: For the record, I never understood his invocation
24 of the right to go to the grand jury and testify is something he would do
25 on behalf of the State, it was on his own behalf. And then as I

1 understood it, and discussed it with his Counsel and chose not to, we
2 were made aware of his potential. We told him when it would be, and
3 then he said that he would not be testifying.

4 THE COURT: Okay. All right, that's noted now for the record.
5 Now, you want 21 days from today's date?

6 MR. RUGGEROLI: Please.

7 THE COURT: What's the State's position on that?

8 MR. PESCI: We'll submit it.

9 MR. BINDRUP: Has a transcript been filed already?

10 MR. RUGGEROLI: It has. I think it was yesterday.

11 THE COURT: Okay. I sort of hesitate to say 21 days from
12 today's because usually it's based upon when the transcript was filed.
13 But if you're telling me it was filed yesterday --

14 MR. RUGGEROLI: Either yesterday or the day before.

15 THE COURT: Okay, I'll give you 21 days from today's date to
16 file any writ.

17 MR. RUGGEROLI: Thank you.

18 MR. BINDRUP: And the same would apply to co-defendants,
19 of course.

20 THE COURT: Yes, it applies to you too. All right. So let's set
21 the -- we'll set the trial date. We'll set it for all three, since we already
22 have a trial date. And then we'll set a -- hold on one second.

23 [The Court and Clerk confer]

24 THE COURT: We'll set Mr. Robertson on Tuesday to get a
25 waiver invocation of his 60 days' rights, and I want Mr. Sanft here.

1 THE CLERK: Okay, so that will be May 8th at 8:30.

2 THE COURT: All right, we're going to set your -- set you on
3 Tuesday, and we'll have your attorney here and you can chat with him.
4 All right. Thank you.

5 THE CLERK: We'll need a status check date?

6 THE COURT: Yeah, since we're sort of in a state of disarray
7 a little bit, it sounds like with attorneys and such. Let's set this end of --
8 June, first week.

9 THE CLERK: June 6th at nine a.m. As to all defendants?

10 THE COURT: Yes.

11 THE DEFENDANT WHEELER: It was on record that I did not
12 revoke my 60 days, right?

13 MR. RUGGEROLI: You waived.

14 THE DEFENDANT WHEELER: I don't want to waive it. I
15 wanted to have a chance to have a 60-day trial.

16 THE COURT: All right.

17 MR. RUGGEROLI: Judge --

18 MR. PESCI: He already waived it. He just waived it here in
19 court.

20 THE COURT: All right. Well, you know, this is -- we have a
21 superseding -- I don't know. I haven't ever looked into this issue. So, I
22 mean, let me hear what he wants to -- may be a clear issue, or it may
23 not be a clear issue.

24 [Colloquy between Mr. Ruggeroli and Defendant Wheeler]

25 MR. RUGGEROLI: Judge, especially in light of the fact that

1 we fully intend to file the writ, I believe Mr. Wheeler is unaware we can't
2 have both. And so --

3 THE COURT: Yeah.

4 MR. RUGGEROLI: He don't believe that we would be
5 prepared to go to trial in this case. And in explaining it to him, I think he
6 does want to waive his 60-day rule. So if he could just clarify --

7 THE COURT: If you file a writ, you waive the 60 days with the
8 filing of the writ. So if you're going to file a writ, then that waives the 60-
9 day rule. Do you understand that?

10 THE DEFENDANT WHEELER: Yeah.

11 THE COURT: All right, then knowing that, do you waive then
12 the 60-day rule today?

13 THE DEFENDANT WHEELER: Yes.

14 THE COURT: Okay. All right. We've got a trial date set for
15 July 30th. So we'll, you know, I'm good with trying to keep that there if
16 we can do it, so --

17 THE DEFENDANT WHEELER: All right.

18 THE COURT: All right. We'll have a status check as to Mr.
19 Robertson and as to his attorney on Tuesday, and then we'll have June
20 6th for the next status check.

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MR. RUGGEROLI: Thank you, Judge.

THE COURT: Thank you.

[Hearing concluded at 10:38 a.m.]

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



Angie Calvillo
Court Recorder/Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C-17-328587
DEPT. XX

10 vs.

11 DEMARIO LOFTON-ROBINSON,
12 AKA, DEMARIO LOFTONROBINSON,
13 RAEKWON SETREY ROBERTSON,
14 AKA, RAEKWON ROBERTSON,
15 DAVONTAE AMARRI WHEELER,
16 Defendants.

17 BEFORE THE HONORABLE ERIC JOHNSON, DISTRICT COURT JUDGE
18 WEDNESDAY, JUNE 06, 2018

19
20 **RECORDER'S TRANSCRIPT OF HEARING:**
21 **STATUS CHECK: HOMICIDE TRIAL**

22 APPEARANCES:

23 For the State: GIANCARLO PESCI
24 Deputy District Attorney

25 For the Defendants: JAMES J. RUGGEROLI, ESQ.

RECORDED BY: ANGIE CALVILLO, COURT RECORDER

1 [Las Vegas, Nevada, Wednesday, June 06, 2018, at 9:12 a.m.]

2

3 THE COURT: State of Nevada versus Demario Lofton-
4 Robinson, Raekwon Robertson, and Davonte Wheeler, case number
5 C328587. Counsel, please note your appearances for the record.

6 MR. PESCI: Giancarlo Pesci on behalf of the State.

7 MR. RUGGEROLI: Good morning, Your Honor. James
8 Ruggeroni, Bar Number 7891. I represent Mr. Wheeler; I will be standing
9 in for all three defendants this morning.

10 THE COURT: Okay. This is a status check. We're set for --
11 and you represent Wheeler?

12 MR. RUGGEROLI: Correct, Your Honor.

13 THE COURT: Okay. We have your Petition for Writ set on
14 the 14th.

15 MR. RUGGEROLI: That's correct, Your Honor.

16 THE COURT: Okay. And then we have trial set on this matter
17 at the end of July. Are we on course for that? Or what's the status of
18 everything with this case?

19 MR. RUGGEROLI: What I can tell Your Honor right now is
20 this writ is pending. We have strong belief that there's a lot of merit to
21 what we're going to be arguing; this is not the time for that. I'll submit
22 my reply by Friday, end of day.

23 We'll have our hearing on the 14th. I believe it was the
24 parties request that we just take today's date off calendar; meet again on
25 the 14th especially having Mr. Sanft relatively new to the case. He can

1 more precisely bring the Court up to speed as far as how far along he's
2 gone with his investigation and discovery. So we were hoping to come
3 back with all three defendants for a status check as well as the argument
4 on the writ on the 14th.

5 THE COURT: Okay. All right, let me just -- when was this
6 indicted initially? I see the Superseding Indictment's April 18th. But, I
7 mean, when was this originally?

8 MR. PESCI: Originally, it was back -- I think, in December or
9 January of -- December of 2017 or January of 2018.

10 THE COURT: Okay, so this isn't super old yet?

11 MR. RUGGEROLI: No. And I believe all the defendants have
12 waived their speedy and --

13 MR. PESCI: They did.

14 MR. RUGGEROLI: They did previously have you grant a
15 portion of the writ, which required the State go back to the grand jury.

16 THE COURT: Yeah, I remember that. Okay. All right, so --
17 well let's just -- you know, you're here. I mean, let me find out from you
18 what -- how are we looking on discovery?

19 MR. RUGGEROLI: Right now our focus has mainly been on
20 the issues supporting the writ and developing our understanding of the
21 evidence is that, there was a fifth person present. We are still doing an
22 independent investigation. In light of the writ issue and the additional
23 investigation, I do not anticipate necessarily being ready. But in terms of
24 specific discovery that we don't have, I'm not aware of anything precisely
25 that we would need to request.

1 MR. PESCI: Right. I believe that they have been provided
2 everything as we've been getting them. In fact, that's what caused the
3 second run, so to speak, to the grand jury because discovery came in
4 after the first presentation so they've been receiving it and have had it
5 for a long time.

6 When more things come in, obviously, we'll hand them
7 over and we're happy to sit down; go over the file with them whenever
8 they want.

9 THE COURT: I mean, obviously, I know you'll hand over
10 anything that comes in. But do you anticipate anything else coming in?

11 MR. PESCI: Not offhand. But there's always -- there could be
12 other forensics --

13 THE COURT: I mean there's always stuff. But, I mean, are
14 you expecting anything, I guess?

15 MR. PESCI: Not at this moment, no.

16 THE COURT: Okay. What about forensics? Are we done
17 with that?

18 MR. PESCI: The firearm's portion, I believe is. I don't know
19 the status of fingerprints or DNA, that's why I'm saying I'm not exactly
20 sure. But it was the firearm's report coming in that precipitated that
21 second presentation.

22 THE COURT: Okay. All right. Do you know if you've gotten
23 any fingerprints or DNA?

24 MR. RUGGEROLI: We have not.

25 THE COURT: Okay. All right. You know, you say you don't

1 anticipate being ready, so let's just focus on the trial date separate from
2 the writ issue.

3 MR. RUGGEROLI: Yes.

4 THE COURT: Why don't you anticipate being ready?

5 MR. RUGGEROLI: As I mentioned, Your Honor, the
6 investigation that we're still looking into as far as potential alibi.

7 THE COURT: Okay.

8 MR. RUGGEROLI: Things of that nature.

9 THE COURT: All right, do you think you'll be able to discuss
10 this better then on the 14th?

11 MR. RUGGEROLI: Absolutely.

12 THE COURT: Okay. Can you check on the fingerprints and
13 the DNA issue by the 14th?

14 MR. PESCI: I can check. What is routine, though, is that if
15 the trial dates out some ways, the lab does not start it until it gets much
16 closer in time because they have so many out in the queue already.

17 THE COURT: Well right now the trial date is set for the end of
18 July. So --

19 MR. PESCI: Right. They usually get to about 30 days when
20 they start to let us know because so many backed up, but I'll look into it.

21 THE COURT: I know, and I understand. But let's just check
22 and see what the status is. All right, anything else at this point in time?

23 MR. RUGGEROLI: That's all, Judge.

24 THE COURT: Okay. All right.

25 MR. RUGGEROLI: Thank you.

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THE COURT: Thank you.

MR. PESCI: Thank you.

THE COURT: Thank you.

[Hearing concluded at 9:17 a.m.]

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



Angie Calvillo
Court Recorder/Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C-17-328587
DEPT. XX

10 vs.

11 DEMARIO LOFTON-ROBINSON,
12 AKA, DEMARIO LOFTONROBINSON,
13 RAEKWON SETREY ROBERTSON,
14 AKA, RAEKWON ROBERTSON,
15 DAVONTAE AMARRI WHEELER,
16 Defendants.

17 BEFORE THE HONORABLE ERIC JOHNSON, DISTRICT COURT JUDGE
18 THURSDAY, JUNE 14, 2018

19 **RECORDER'S TRANSCRIPT OF HEARING:**
20 **STATUS CHECK: HOMICIDE TRIAL; DEFENDANT'S PETITION FOR**
21 **WRIT OF HABEAS CORPUS**

22 SEE APPEARANCES ON PAGE 2

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25 RECORDED BY: ANGIE CALVILLO, COURT RECORDER

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APPEARANCES:

For the State:	MELANIE L. SCHEIBLE Deputy District Attorney
For Defendant Lofton-Robinson:	SCOTT L. BINDRUP Chief Deputy Special Public Defender
For Defendant Robertson:	MICHAEL W. SANFT, ESQ.
For Defendant Wheeler:	JAMES J. RUGGEROLI, ESQ.

1 [Las Vegas, Nevada, Thursday, January 14, 2018, at 9:25 a.m.]

2

3 THE COURT: State of Nevada versus Raekwon Robertson,
4 case number C328587. Counsel, please -- we're just doing Mr. Sanft
5 right now?

6 THE CLERK: I didn't realize -- no, we need Ms. O'Halloran.

7 MR. SANFT: We are missing some people, I think, Your
8 Honor.

9 THE CLERK: Yeah, I'm sorry.

10 MR. SANFT: That's all right. No, thank you. I appreciate the
11 thought.

12 MR. BINDRUP: Is there a DA that can stand in or?

13 MR. SANFT: I don't know. I think Rachel's got to come down
14 to argue it though.

15 THE CLERK: Yeah, because she's got to come down to
16 argue the writ.

17 MR. BINDRUP: All right. Thank you.

18 MR. SANFT: Thank you, Your Honor, for calling it though.

19 THE COURT: Okay.

20 [Recalled at 9:43 a.m.]

21 THE COURT: State of Nevada versus Demario Lofton-
22 Robinson, Raekwon Robertson --

23 MS. SCHEIBLE: Your Honor, I'm afraid that we are still
24 waiting on the DA on this case.

25 MR. SANFT: Your Honor, we had asked your clerk to call it

1 because on behalf of Mr. Robertson, I believe that we can just resolve
2 my issue and I can leave to another department.

3 THE COURT: I was going to say, I think -- the way I'm
4 reading your Petition for Writ is you're the only -- this is the one that's
5 been joined into.

6 MR. SANFT: Correct. That is correct, Your Honor.

7 THE COURT: Okay, so you're going in alone. All right, I don't
8 have a problem. Otherwise, it was a status check for homicide trial.
9 We're set for this trial at the end of July. Let me see if -- hold on a
10 second, let me -- have I called your client yet, Mr. Sanft?

11 MR. SANFT: I believe you have, that's Mr. Robertson, Your
12 Honor.

13 THE CLERK: No.

14 THE COURT: What page was --

15 MR. SANFT: Page 10.

16 THE CLERK: Ten.

17 THE COURT: Ten, okay. State of Nevada versus Raekwon
18 Robertson, and State of Nevada versus Davontae Wheeler, case
19 number C328587. Counsel, please note your appearances for the
20 record.

21 MR. SANFT: Michael Sanft on behalf of Mr. Robertson who's
22 present in custody, Your Honor. Bar Number 8245.

23 MR. RUGGEROLI: James Ruggeroli on behalf of Mr. Wheeler
24 who's present in custody.

25 THE COURT: Has anyone --

1 MR. BINDRUP: And Lofton-Robinson, Scott Bindrup on his
2 behalf.

3 THE COURT: Okay. All right, so let's focus on just the status
4 check relating to the homicide trial, which is set for the end of July.
5 Where do we -- where do we stand on that?

6 MR. SANFT: I reviewed all of the discovery in this matter. I
7 don't believe there is any discovery right now that's outstanding outside
8 of fingerprints and DNA that haven't come back yet in terms of the
9 testing. I don't anticipate there will be any problems before trial. And as
10 a result, we'll be prepared and ready to go in July.

11 THE COURT: Okay. Mr. Bindrup, what's your thoughts?

12 MR. BINDRUP: I'd agree. Although, I don't think -- I know I
13 won't be ready by the end of July. So at some point, I'm going to
14 request resetting of the trial date.

15 THE COURT: Well, you know, that's sort of one of the
16 reasons why we have these status checks. So, I mean, when are you
17 going to get around to doing that?

18 MR. BINDRUP: As it's an ongoing process. I'll try to be as
19 diligent as possible, trial ready.

20 THE COURT: I mean everybody is sort of prepping here. I
21 mean -- you know, July 30th isn't that far off. What are you not going to
22 be ready for?

23 MR. BINDRUP: Just other cases that are taking precedence
24 that definitely will go to trial before this one. I think one of them was
25 *Hernandez* in which you handled and was having client management

1 issues that have been resolved. And that, obviously, will take
2 precedence over this case, it's an older case. And Mr. Hernandez's
3 case needs to go, it's set for the same date.

4 THE COURT: Okay. So Mr. Fernandez [sic] is also set for
5 July 30th?

6 MR. BINDRUP: That's correct.

7 THE COURT: Okay.

8 MR. BINDRUP: So I'm just being honest.

9 THE COURT: All right. No, I want you to be honest, and
10 that's why --

11 MR. BINDRUP: If you want me to say I'll be ready, but --

12 THE COURT: -- that's why sitting here we're -- it's important I
13 know what is happening because that's what we're trying to do. I don't
14 know what Mr. Sanft's schedule is. But if he's sitting here thinking we're
15 going on July 30th and we aren't going on July 30th, it's not fair for him to
16 be burning that time, or Mr. Ruggeroli.

17 And what's your -- I know you got the petition, but
18 what's your perspective in terms of the July 30 trial date?

19 MR. RUGGEROLI: Judge, I do potentially have a conflict. I
20 have a not guilty by reason of insanity case that's in Department 9; that
21 has a firm setting that is scheduled for August 6th. I think that this case
22 would spill over into that date and it certainly would take up my
23 preparation time. We have experts that have been consulted regarding
24 their trial availability, and their schedule has been set up on that August
25 6th date.

1 Additionally, in terms of the evidence for this case, we
2 are still following up on potential surveillance regarding other places and
3 times that would have an impact. I don't know of anything else that's
4 outstanding that the State may have that we do not, though.

5 THE COURT: Okay. All right. Who is the not guilty by reason
6 of insanity case?

7 MR. RUGGEROLI: Judge Togliatti.

8 THE COURT: I mean, give me a case name.

9 MR. RUGGEROLI: *Walter Laak*.

10 THE COURT: What?

11 MR. RUGGEROLI: L-A-A-K.

12 THE COURT: L-A-A-K. All right. Okay.

13 All right, Mr. Sanft, what's your position in hearing that
14 your two colleagues may have some issues?

15 MR. SANFT: Whatever the Court's pleasure at this point,
16 Your Honor. We would be ready to go forward. But I do understand that
17 this would be a case that would need to be tried together and as a
18 result, whatever the Court's pleasure.

19 THE COURT: How long do you think you're going to need,
20 Mr. -- I know we'll deal with the petition, but I want to get Mr. Sanft and
21 Mr. Bindrup out of here. I mean, let's -- looking at it, how long do you
22 think you are going to need to get ready and finish whatever final
23 investigation you were going to do?

24 MR. RUGGEROLI: I think we have -- Mr. Wheeler may have
25 grounds for potential severance based on *Bruton* issues, so there is that

1 portion to deal with as well. In terms of preparation, actually I think I can
2 be ready in potentially September/October.

3 THE COURT: Okay. So what's with you, Mr. Bindrup?

4 MR. BINDRUP: January/February.

5 THE COURT: January/February?

6 MR. BINDRUP: Yes.

7 THE COURT: Is that because of your trial calendar?

8 MR. BINDRUP: Yes.

9 THE COURT: Okay. Mr. Sanft.

10 MR. SANFT: Whatever the Court's pleasure is, Your Honor.

11 THE COURT: How old is this? When was the homicide?
12 You should know this right away, Mr. Ruggeroli.

13 MR. RUGGEROLI: Sure, Judge. Judge, I believe it was
14 August of last year.

15 THE COURT: August, all right. So this isn't that old.

16 [The Court and Clerk confer]

17 THE CLERK: How about January 22nd for trial?

18 MR. SANFT: I have no objection to that.

19 MR. BINDRUP: That would work great for --

20 THE COURT: Will that work with you?

21 MR. BINDRUP: Yes, that would.

22 THE COURT: All right. Mr. Sanft.

23 MR. SANFT: Yes, Your Honor, that would work for me.

24 THE COURT: All right, not hearing any opposition from Mr.
25 Ruggeroli.

1 MR. RUGGEROLI: Judge, my client is opposed to the date
2 being that far off. On his behalf, I'll submit it. I mean, we do have the
3 writ issue; I think that we can address that.

4 THE COURT: I mean, yeah. I'm not -- but I'm -- like I said, I
5 want to get Mr. Sanft and Mr. Bindrup out of here. So, I mean -- all right,
6 I said it's not that old of a case. All right, we'll go ahead and set it for
7 January 22nd.

8 MR. RUGGEROLI: Judge, just one other thing. We may want
9 to have, Mr. Pesci or Ms. O'Halloran, to give the Court information about
10 their schedules.

11 THE COURT: The State is essentially malleable. So if you're
12 all ready to go in February, then theoretically the State's going to find
13 somebody to try that case so we'll work on that basis.

14 MR. SANFT: Thank you, Your Honor.

15 THE COURT: All right.

16 THE CLERK: So calendar call will be January 8th at 8:30; jury
17 trial, January 22nd, nine a.m.

18 THE COURT: Let's set a status check in a couple of months.

19 THE CLERK: August 1st, status check.

20 THE COURT: Let's go one more week in August.

21 THE CLERK: August 15th at nine a.m.

22 MR. SANFT: Thank you, Madam Clerk.

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MR. BINDRUP: Thank you.

MR. RUGGEROLI: Thank you, Judge.

THE COURT: Thank you.

[Hearing concluded at 9:51 a.m.]

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



Angie Calvillo
Court Recorder/Transcriber



DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

RAEKWON SETREY ROBERTSON and
DAVONTAE AMARRI WHEELER,

Defendants.

CASE NO. C-17-328587-2
C-17-328587-3

DEPT. NO. XII

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

WEDNESDAY, SEPTEMBER 5, 2018

RECORDER'S TRANSCRIPT OF PROCEEDINGS
STATUS CHECK: HOMICIDE TRIAL

APPEARANCES:

For the State:

GIANCARLO PESCI
Chief Deputy District Attorney

For Defendant Robertson:

MICHAEL W. SANFT, ESQ.

For Defendant Wheeler:

JAMES J. RUGGEROLI, ESQ.

RECORDED BY: JESSICA KIRKPATRICK, SENIOR RECORDER

1 LAS VEGAS, NEVADA, WEDNESDAY, SEPTEMBER 5, 2018, 8:50 A.M.

2 * * * * *

3 THE COURT: Page 1, State versus Davontae Wheeler, case C328587. He's
4 present in custody. Do we have Mr. Ruggeroli here?

5 MR. PESCI: I haven't seen him, Your Honor.

6 THE COURT: Has he checked in?

7 MR. PESCI: I'm not sure.

8 THE COURT: Okay.

9 [Proceeding trailed until 9:29 a.m.]

10 THE COURT: State versus Davontae Wheeler, case C328587.

11 [Colloquy between the Court and the Clerk]

12 THE COURT: What page are you on, Mr. Sanft?

13 MR. SANFT: Page 25, Your Honor, that's Mr. Robertson.

14 THE COURT: And page 25, State versus Robertson, C328587, they're both
15 present. They're both in custody.

16 MR. RUGGEROLI: Good morning, Your Honor.

17 THE COURT: Good morning.

18 MR. RUGGEROLI: James Ruggeroli on behalf of Mr. Wheeler. Judge, there
19 were a couple of issues. The first I'd like to bring up, and I did make Mr. Pesci
20 aware of this, bail had been set at 250,000. At some point when the case was
21 transferred, or prior to it being transferred, for some reason it looks like the computer
22 has it at no bail. We've never readdressed this and I think bail should just be at
23 250,000.

24 THE COURT: Well, when was it set and by whom?

25 MR. RUGGEROLI: Department 20 set it.

1 THE COURT: Is there an --

2 MR. RUGGEROLI: We had a motion and I don't know if it's because the
3 State went back to the grand jury at one point based on writ work that we did and
4 then brought Mr. Wheeler back. In any event, right now he's being held, I believe,
5 with no bail and we're just respectfully requesting that that 250,000 that was already
6 ordered be reissued.

7 MR. PESCI: Judge, on December the 14th of 2017, at the return of the true
8 bill, the District Court set bail at \$250,000. Defense counsel and the defendant on
9 March 22nd, 2018, made a motion for an O.R. or reduction of bail, that was denied.

10 THE COURT: Okay.

11 MR. PESCI: So it is accurate that it should be 250,000.

12 THE COURT: Okay.

13 MR. RUGGEROLI: Thank you, Judge.

14 Your Honor, as to potential evidentiary issues, I've raised this with
15 Mr. Pesci, I'm meaning to meet with my investigator but there's only a couple of
16 items right now that I'm -- I'm specifically looking into, in particular, a video recording
17 of my client's statements to the police, whether or not there was a second voluntary
18 statement by my client to the police. We don't believe there was, but I just want to
19 make sure, if there are any allegations that he spoke to police on more than one
20 occasion, I'm sure Mr. Pesci will make us aware of that. At this time we have no
21 information regarding any second statement.

22 And, finally, whether or not there was an application for a search
23 warrant on the Civic Center address, that may not have been done because of a --
24 police claiming that there was consent. So Mr. Pesci's aware of this. I think we're
25 going to arrange a file review in -- within, hopefully, a couple of weeks to go over

1 these issues specifically.

2 THE COURT: Okay. Mr. Sanft.

3 MR. SANFT: Your Honor, we'll be working with the State with regards to
4 discovery. I don't think -- believe there's any outstanding discovery that has not
5 been provided to my office. My client has talked to me about some motions that he
6 wants to have filed, so I'll be talking to him about the legalities of that, but outside of
7 that we're ready -

8 THE COURT: Okay.

9 MR. SANFT: -- to go forward.

10 THE COURT: But you'll do a file review before the next status check?

11 MR. RUGGEROLI: Yes.

12 THE COURT: Okay. 60 days.

13 THE CLERK: December 5, 8:30.

14 MR. SANFT: Thank you, Your Honor.

15 THE COURT: Thank you.

16 MR. RUGGEROLI: Thank you, Judge.

17 MR. PESCI: Thank you, Your Honor.

18 PROCEEDING CONCLUDED AT 9:32 A.M.

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22 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
23 video recording of this proceeding in the above-entitled case.

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25 SARA RICHARDSON
Court Recorder/Transcriber

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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

RAEKWON SETREY ROBERTSON and
DAVONTAE AMARRI WHEELER,

Defendants.

CASE NO. C-17-328587-2
C-17-328587-3

DEPT. NO. XII

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

WEDNESDAY, DECEMBER 5, 2018

RECORDER'S TRANSCRIPT OF PROCEEDINGS
STATUS CHECK: TRIAL READINESS

APPEARANCES:

For the State:

GIANCARLO PESCI
Chief Deputy District Attorney

For Defendant Robertson:

MICHAEL W. SANFT, ESQ.

For Defendant Wheeler:

JAMES J. RUGGEROLI, ESQ.

RECORDED BY: KRISTINE SANTI, COURT RECORDER

1 LAS VEGAS, NEVADA, WEDNESDAY, DECEMBER 5, 2018, 8:44 A.M.

2 * * * * *

3 THE COURT: Page 12 and 13, State versus Robertson and Wheeler,
4 C328587.

5 MR. RUGGEROLI: Good morning, Your Honor, James Ruggeroli appearing
6 on behalf of Mr. Wheeler. He's present in custody.

7 THE COURT: Okay.

8 MR. PESCI: Giancarlo Pesci on behalf of the State.

9 THE COURT: Mr. Sanft?

10 MR. SANFT: Thank you, Your Honor. I'm present as well with my client.

11 THE COURT: Thank you.

12 MR. SANFT: He's here.

13 THE COURT: All right. This is on for trial readiness.

14 MR. RUGGEROLI: Judge, we had a bit of a delay in getting over and doing a
15 file review because there were three attorneys and all of our schedules, but we have
16 completed that and then there was a large amount of documents and discovery that
17 we needed to be copied for us. I just received that this week. We're asking for a
18 two-week status check for us to have a chance to review those new materials. I
19 think there's going to be at least one motion that I plan on filing as a result of some
20 of that. So I think if the Court can accommodate a December 19th status check
21 date.

22 THE COURT: Okay.

23 MR. PESCI: No objection from the State. We also have a third defendant
24 who is currently at Lake's Crossing.

25 MR. SANFT: And, Your Honor, just for the record, on behalf of

1 Mr. Robertson, he's indicated to me multiple times that he will be intending on going
2 forward with his trial on the trial date that's set. I have received the same discovery.
3 I'll be reviewing it. But I told Mr. Robertson that I'll make every effort to be ready for
4 that trial date.

5 THE COURT: Okay. So we'll put it on for two weeks.

6 MR. RUGGEROLI: Thank you, Judge.

7 THE CLERK: December 19, 8:30.

8 MR. PESCI: Thank you, Your Honor.

9 THE COURT: Thank you.

10 PROCEEDING CONCLUDED AT 8:46 A.M.

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21 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
22 video recording of this proceeding in the above-entitled case.

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24 SARA RICHARDSON
25 Court Recorder/Transcriber

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 19, 2018

C-17-328587-2 State of Nevada
vs
Raekwon Robertson

**December 19, 2018 8:30 AM Status Check: Trial
Readiness**

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Fleck, Michelle	Chief Deputy District Attorney
	Robertson, Raekwon Setrey	Defendant
	Sanft, Michael W.	Attorney for Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

Mr. Sanft stated he saw a copy of the Motion to sever filed by Mr. Ruggeroli from Co-Deft. Wheeler's case, and there is no objection, however, the defense here is requesting to keep the current trial date, further noting defense will be ready to go, there is an investigator on the case, and he received discovery. Upon Court's inquiry, Ms. Fleck noted this case is assigned to Mr. Pesci, she is not sure about whether there is an offer, and Mr. Pesci had indicated Mr. Ruggeroli filed the two motions. Mr. Sanft noted that is part of the issue with the trial date. **COURT ORDERED**, matter SET for status check, for the Court to address Co-Deft. Wheeler's Motion to Sever and Motion to continue trial.

CUSTODY

1/02/19 8:30 A.M. STATUS CHECK: TRIAL READINESS

2/05/19 8:30 A.M. CALENDAR CALL

PRINT DATE: 12/19/2018

Page 1 of 2

Minutes Date: December 19, 2018

2/12/19 10:30 A.M. TRIAL BY JURY



DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

RAEKWON SETREY ROBERTSON and
DAVONTAE AMARRI WHEELER,

Defendants.

CASE NO. C-17-328587-2
C-17-328587-3

DEPT. NO. XII

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

WEDNESDAY, JANUARY 2, 2019

**RECORDER'S TRANSCRIPT OF PROCEEDINGS
STATUS CHECK: TRIAL READINESS (ROBERTSON)
DEFENDANT'S MOTION TO SEVER CODEFENDANTS (WHEELER)
DEFENDANT'S MOTION TO CONTINUE TRIAL (WHEELER)**

APPEARANCES:

For the State:

GIANCARLO PESCI
Chief Deputy District Attorney

For Defendant Robertson:

MICHAEL W. SANFT, ESQ.

For Defendant Wheeler:

JAMES J. RUGGEROLI, ESQ.

RECORDED BY: KRISTINE SANTI, COURT RECORDER

1 LAS VEGAS, NEVADA, WEDNESDAY, JANUARY 2, 2019, 8:45 A.M.

2 * * * * *

3 THE COURT: Page 4 and 5, State versus Robertson and Wheeler, C328587.
4 They're both present and in custody. I know we're on for trial readiness as well as
5 Mr. Wheeler has a motion to sever. Why don't we deal with that one first.

6 MR. RUGGEROLI: Good morning, Your Honor, James Ruggeroli appearing
7 on behalf of Mr. Wheeler who is present in custody. Judge, I did note that the State
8 had not filed an opposition. I filed, simultaneously, a motion to continue the trial as
9 well as the motion to sever and I do think that those two kind of work together. It's
10 my understanding Mr. Sanft's client wants to move forward with this trial date.

11 Within the last month, month and a half we were provided with a large
12 amount of discovery from the State. We are still going through that. In my motion,
13 and I did file it as essentially a supplemental affidavit in support of the motion to
14 continue, my investigator's indicated that his review of the materials put us in a
15 situation where we just simply don't have time to be adequately prepared to deal
16 with the new discovery that we've received in time for our defense at trial.

17 Additionally, Judge, I do have concerns about going to a joint trial with
18 the codefendants. The third codefendant, as you probably recall, is in Lake's
19 Crossing. So that -- that issue and those arguments are really not applicable right
20 now. But I do still think that the merits as far a different type of case in regards to
21 these two codefendants creates a situation where we have very valid arguments for
22 severance. But because the State didn't file an opposition, I think you would want to
23 hear from them.

24 MR. PESCI: So, Judge, I apologize. I was out of town on the last court date,
25 one of my teammates was here, and I didn't realize that it got switched. I thought

1 that we still had until later in the month to respond to that.

2 As far as the motion to continue, if I could respond orally?

3 THE COURT: Sure.

4 MR. PESCI: My response is that I have no opposition to a continuance as
5 long as it as to all three and would seem appropriate considering that one defendant
6 is still in Competency Court.

7 As far as the severance motion, I'd like to actually be able to respond to
8 that in writing, and I would ask for a week. I have a capital case in front of you
9 starting on Tuesday. And so I apologize, I've been kind of focused on that. I did not
10 realize that the dates had been changed on this one. So I'd ask for that one week's
11 continuance as far as the severance motion. But the continuance, as long as it is as
12 to all three, the State has no opposition.

13 THE COURT: Mr. Sanft?

14 MR. SANFT: And we're prepared and ready to go forward, Your Honor. My
15 client, I've spoken to this morning, he is not going to continue the trial.

16 THE COURT: So you object to the --

17 MR. SANFT: On behalf of my client, I mean, I guess we could do a *de facto*
18 severance, but I think at this particular point, my client -- we are ready to go forward.

19 MR. PESCI: And I would just note for the record that his client previously
20 waived his right to a speedy trial, and so there is -- for judicial economy, there
21 makes no sense in severing this case and having it tried, in essence, it would be
22 three times at that point because one codefendant's still in Competency Court. So
23 they should all be kept together.

24 THE COURT: Okay. At this time I'm going to grant the motion to continue the
25 trial. And I'm going to put the motion to sever on for one week.

1 MR. PESCI: Thank you, Your Honor.

2 THE COURT: Or I'll put it on as soon as I can. How quickly?

3 THE CLERK: The 16th.

4 THE COURT: That's fine.

5 THE CLERK: January 16th, 8:30, for the motion to sever.

6 MR. RUGGEROLI: Judge, there is one additional issue, if I may? I had
7 anticipated potentially supplementing one extra ground for the motion to sever. In
8 this case, the State has charged Mr. Sanft's client with an additional couple of
9 counts in something that is unrelated to the murder case here.

10 THE COURT: Okay.

11 MR. RUGGEROLI: If the State would like me to do a supplement, I can have
12 that done by the end of tomorrow just to add that as an additional ground that there
13 are these extra counts that create more reasons why they should not appear at a
14 joint trial together.

15 THE COURT: Sure. I don't have a problem if you want to supplement your
16 motion and then the State can respond.

17 MR. RUGGEROLI: And it's just as to that one ground, Judge.

18 THE COURT: That's fine.

19 MR. RUGGEROLI: Thank you.

20 THE COURT: And then we need a new -- we need a trial date.

21 THE CLERK: Okay. We have June.

22 THE COURT: Go ahead.

23 THE CLERK: Calendar call, June 18, 8:30; jury trial, June 25, 10:30.

24 MR. RUGGEROLI: Thank you, Your Honor.

25 MR. PESCI: Thank you, Your Honor.

1 THE CLERK: Do you want a status check?

2 THE COURT: I do.

3 And I'm going to give you a status check as well.

4 THE CLERK: 90 days?

5 THE COURT: That would be -- that would be good.

6 THE CLERK: April 17, 8:30.

7 THE COURT: Thank you.

8 MR. RUGGEROLI: Thank you, Judge.

9 MR. PESCI: Thank you.

10 PROCEEDING CONCLUDED AT 8:49 A.M.

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22 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
23 video recording of this proceeding in the above-entitled case.

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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

RAEKWON SETREY ROBERTSON and
DAVONTAE AMARRI WHEELER,

Defendants.

CASE NO. C-17-328587-2
C-17-328587-3

DEPT. NO. XII

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

WEDNESDAY, APRIL 17, 2019

RECORDER'S TRANSCRIPT OF PROCEEDINGS
STATUS CHECK: TRIAL READINESS

APPEARANCES:

For the State:

GIANCARLO PESCI
Chief Deputy District Attorney

For Defendant Robertson:

NO APPEARANCES

For Defendant Wheeler:

JAMES J. RUGGEROLI, ESQ.

ALSO PRESENT: SCOTT BINDRUP, DEPUTY SPECIAL PUBLIC DEFENDER

RECORDED BY: KRISTINE SANTI, COURT RECORDER

1 LAS VEGAS, NEVADA, WEDNESDAY, APRIL 17, 2019, 8:57 A.M.

2 * * * * *

3 THE COURT: Are you ready?

4 MR. BINDRUP: Yeah, I just need to make representations on why he's not
5 here because it was not on calendar. It's two defendant -- three defendant case, on
6 page 5, page 6. Mr. Sanft is not here for Mr. Robertson. My client, I believe, by
7 error, is not on calendar. It should have been on for a status check. He's the
8 individual that was at Lake's Crossing.

9 THE COURT: Right. Mr. Lofton.

10 MR. BINDRUP: And has been gone for, like, eight months. So if I can just
11 get on the next status check, if you're going to set it between now and the jury trial in
12 June.

13 THE COURT: Okay. It's Mr. Lofton, correct?

14 MR. BINDRUP: Pardon?

15 THE COURT: Your client is Mr. Lofton, correct?

16 MR. BINDRUP: Yes, Lofton-Robinson.

17 THE COURT: Okay. State versus Robertson and Wheeler, and,
18 Mr. Ruggeroli, the order has been prepared.

19 MR. RUGGEROLI: Yes.

20 THE COURT: Have you gotten a copy of it?

21 MR. RUGGEROLI: Yes, Your Honor.

22 THE COURT: Okay. I just wanted to make sure. Are the parties going to be
23 ready to go?

24 MR. RUGGEROLI: Judge, we are doing everything we can. There's a couple
25 of issues of discovery that I am looking into. I spoke with Mr. Pesci about that this

1 morning. We may have one of the items in particular. But other than that, we're
2 moving forward the best we can. That issue that you just mentioned --

3 THE COURT: Right.

4 MR. RUGGEROLI: -- with the order for my client's edification, has to do with
5 the denial of our motion to sever. That has been briefed and it is before the
6 appellate court now.

7 THE COURT: Oh, good.

8 MR. RUGGEROLI: But they haven't ordered a response from the State at this
9 time. So, other than that, we are just moving forward at this time. I think if we could
10 have another status check in 30 days.

11 THE COURT: Okay.

12 MR. BINDRUP: And just to let Your Honor know, my client, since he's been
13 gone so long, I am not ready for a trial within two months. So I am going to request
14 some sort of continuance of the matter. I don't suspect I'll be asking for a long one,
15 but I definitely need more time at this juncture.

16 THE COURT: Okay. So we'll put it on for 30 days.

17 THE CLERK: 30 days is going to be May 15th at 8:30.

18 MR. BINDRUP: Thank you.

19 THE COURT: Thank you.

20 MR. PESCI: Your Honor, is that as to all three of them?

21 THE COURT: Pardon?

22 MR. PESCI: Is that as to all three of them?

23 THE COURT: Yes. Yes.

24 MR. PESCI: Do you need me to stay for Mr. Sanft? Or no?

25 THE CLERK: I'll just e-mail him the date.

1 THE COURT: Right. We'll just let him know.

2 MR. PESCI: Okay. Perfect.

3 THE COURT: We'll let him know the date.

4 MR. PESCI: Thank you.

5 MR. RUGGEROLI: Thank you, Judge.

6 THE COURT: Thank you.

7 PROCEEDING CONCLUDED AT 8:59 A.M.

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21 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
22 video recording of this proceeding in the above-entitled case.

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24 SARA RICHARDSON
25 Court Recorder/Transcriber



DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

DEMARIO LOFTON-ROBINSON,
RAEKWON SETREY ROBERTSON and
DAVONTAE AMARRI WHEELER,

Defendants.

CASE NO. C-17-328587-1

C-17-328587-2

C-17-328587-3

DEPT. NO. XII

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

WEDNESDAY, MAY 15, 2019

**RECORDER'S TRANSCRIPT OF PROCEEDINGS
STATUS CHECK: TRIAL READINESS**

APPEARANCES:

For the State:

GIANCARLO PESCI
Chief Deputy District Attorney

For Defendant Lofton-Robinson:

SCOTT BINDRUP
Deputy Special Public Defender

For Defendant Robertson:

MICHAEL W. SANFT, ESQ.

For Defendant Wheeler:

JAMES J. RUGGEROLI, ESQ.

RECORDED BY: KRISTINE SANTI, COURT RECORDER

1 LAS VEGAS, NEVADA, WEDNESDAY, MAY 15, 2019, 9:37 A.M.

2 * * * * *

3 THE COURT: State of Nevada versus Lofton-Robinson, Robertson, Wheeler,
4 they're all present and in custody. Will the attorneys make their appearances?

5 MR. PESCI: Giancarlo Pesci on behalf of the State.

6 MR. RUGGEROLI: Good morning, Your Honor.

7 THE COURT: Good morning.

8 MR. RUGGEROLI: James Ruggeroli on behalf of Mr. Wheeler who's present,
9 in custody. He's to your far left.

10 MR. BINDRUP: Scott Bindrup for Mr. Lofton-Robinson in the center.

11 MR. SANFT: And Michael Sanft on behalf of Mr. Robertson today.

12 THE COURT: Okay. You all are on for trial readiness. You have a trial date
13 pending of June 25th.

14 MR. BINDRUP: As I indicated to the Court last time that it was on calendar as
15 to the codefendants --

16 THE COURT: Right.

17 MR. BINDRUP: -- but I made an appearance anyway, I indicated to the Court
18 that since my client had been in Lake's Crossing for seven to eight months and he
19 just recently came back, I think this is the first time the three defendants have been
20 together at any court appearance, I definitely need more time so I'm requesting the
21 Court consider resetting this matter.

22 THE COURT: Mr. Ruggeroli.

23 MR. RUGGEROLI: Judge, I made my client aware of that. We also have
24 some issues, if you recall.

25 THE COURT: Sure.

1 MR. RUGGEROLI: I have an issue regarding the denial of our motion to
2 sever. It's still at the appellate court level. So we would submit it on that. I think a
3 30-day -- vacating the trial, 30 day to set the trial, we have no opposition.

4 THE COURT: Why can't we set it today? Mr. Sanft, do you have any
5 objection to the motion to continue?

6 MR. SANFT: Well, we would be ready to go. We've been announcing ready
7 the entire time, so we understand that the Court will continue this matter. I've
8 spoken with my client, he understands that as well. We're asking the Court though
9 for whatever the earliest setting would be that would be appropriate for
10 co-defendants' counsel on it. We just don't want it to drag out.

11 MR. PESCI: And, Judge, we submit it.

12 THE COURT: Okay. When do you want me -- when can you be ready?
13 What are you looking at?

14 MR. BINDRUP: I'd request a February setting next year.

15 DEFENDANT WHEELER: No, no.

16 DEFENDANT ROBERTSON: No, no, no, no.

17 THE COURT: You need that much time to get ready?

18 MR. BINDRUP: Well, if you want to set it earlier, if you can suggest a month.

19 THE COURT: What's my last setting this year?

20 MR. BINDRUP: Perhaps October?

21 [Colloquy between the Court and the Clerk]

22 THE CLERK: Status check trial readiness is going to be August 21st, 8:30;
23 calendar call, November 5th, 8:30; jury trial, November 19th, 10:30.

24 MR. RUGGEROLI: And, Judge, on behalf of Mr. Wheeler, if it was possible, I
25 know you're already set the date, but we were not anticipating that it would be quite

1 so long. Our request would be September, if available. I think that would be
2 enough time for co-counsel. But I --

3 THE COURT: It's only six months out in a murder case.

4 DEFENDANT LOFTON: We didn't -- our murder case been actually going on
5 two years. So even though it's five months for my murder case, it still would be
6 enough time to -- it shouldn't take more than five months. It shouldn't take more
7 than four months. Really.

8 THE COURT: Mr. Bindrup.

9 MR. BINDRUP: Anyway, unless --

10 THE COURT: Do you want to be heard?

11 MR. BINDRUP: -- co-counsel or the State have problems with that particular
12 date, I'd ask that you keep it for the November 19th setting.

13 THE COURT: Okay. I'm going to keep the November 19th trial date.

14 MR. PESCI: Judge, if I could make a record as well, Mr. Raekwon Robertson
15 wrote me a letter. He's represented by counsel, so I took that letter and immediately
16 forwarded it to his attorney and I had to provide copies to counsel for the
17 codefendant. So I wish that they would acknowledge that they've received that as
18 well.

19 MR. RUGGEROLI: Judge, I did receive it this morning.

20 MR. BINDRUP: The same, Your Honor.

21 THE COURT: Okay.

22 MR. SANFT: Yes, Your Honor.

23 THE COURT: I'm assuming you received a copy too, Mr. Sanft?

24 MR. SANFT: I did, Your Honor. Thank you.

25 THE COURT: Okay. All right.

1 MR. PESCI: Thanks.
2 THE COURT: Thank you.
3 MR. BINDRUP: Thank you.
4 THE COURT: Thank you.

5 PROCEEDING CONCLUDED AT 9:41 A.M.

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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-video recording of this proceeding in the above-entitled case.


SARA RICHARDSON
Court Recorder/Transcriber



DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

DEMARIO LOFTON-ROBINSON,
RAEKWON SETREY ROBERTSON and
DAVONTAE AMARRI WHEELER,

Defendants.

CASE NO. C-17-328587-1
C-17-328587-2
C-17-328587-3

DEPT. NO. XII

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

WEDNESDAY, AUGUST 21, 2019

**RECORDER'S TRANSCRIPT OF PROCEEDINGS
STATUS CHECK: TRIAL READINESS**

APPEARANCES:

For the State:

GIANCARLO PESCI
Chief Deputy District Attorney

For Defendant Lofton-Robinson:

SCOTT BINDRUP
Deputy Special Public Defender

For Defendant Robertson:

MICHAEL W. SANFT, ESQ.

For Defendant Wheeler:

JAMES J. RUGGEROLI, ESQ.

RECORDED BY: KRISTINE SANTI, COURT RECORDER

1 LAS VEGAS, NEVADA, WEDNESDAY, AUGUST 21, 2019, 9:16 A.M.

2 * * * * *

3 THE COURT: State versus Lofton-Robinson, Robertson, Davontae Wheeler.
4 Okay. You want to make your appearances?

5 Do we have Mr. -- okay, we do have Mr. Sanft. You can start making
6 your appearances, please.

7 MR. PESCI: Giancarlo Pesci on behalf of the State.

8 MR. RUGGEROLI: Good morning, Your Honor. James Ruggeroli on behalf
9 of Mr. Wheeler who is present in custody.

10 MR. SANFT: Michael Sanft on behalf of Mr. Robertson who is also present in
11 custody, Your Honor, good morning,

12 MR. BINDRUP: Scott Bindrup for Mr. Lofton-Robinson.

13 THE COURT: Okay. The parties are on for trial readiness.

14 Mr. Bindrup, how are you doing?

15 MR. BINDRUP: Doing good, thank you.

16 THE COURT: Okay.

17 MR. BINDRUP: So I think we're --

18 THE COURT: Are you ready?

19 MR. BINDRUP: I'm ready -- I'm going to make an unusual defense request.

20 THE COURT: Okay.

21 MR. BINDRUP: We usually don't ask this, but if there's any way that you can
22 move this trial up one week, I'd appreciate it. If not, I'll just have to try to make due.
23 Just, I have Martin set in this department on November 12th. I expect that to be
24 vacated when it's called and reset for next year. Do you -- how does your week
25 before the 18th look? And I only bring this up because I planned on being out of the

1 country November 25th for a few weeks. But --

2 THE COURT: Okay, can the other parties do it?

3 MR. RUGGEROLI: Judge, I can.

4 MR. SANFT: Yes, Your Honor, we can.

5 MR. PESCI: Sure.

6 MR. RUGGEROLI: That's sooner, so, yes.

7 THE COURT: So there's no objection to moving it up?

8 MR. RUGGEROLI: I just want to clarify for Mr. Wheeler, the request is to
9 actually have the trial date start the week before.

10 THE COURT: Earlier.

11 DEFENDANT WHEELER: All right.

12 MR. BINDRUP: See, they're happy. Remember last time we were in court --

13 THE COURT: Okay. I know.

14 MR. BINDRUP: -- these two were yelling at me for wanting so much
15 additional time, so.

16 THE COURT: I'm happy.

17 MR. SANFT: Who was yelling? Was it me?

18 MR. BINDRUP: No, the -- your clients.

19 MR. SANFT: Okay. I just wanted to make sure.

20 THE COURT: Okay. Since there's no objection, we'll just move the trial date
21 up one week.

22 THE CLERK: Okay. Calendar call is going to be November 5th, 8:30; jury
23 trial, November 12th, 10:30.

24 DEFENDANT WHEELER: I thought trial was going to be --

25 THE COURT: But everybody's ready to go?

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MR. SANFT: Yes, Your Honor.

THE COURT: Okay. Then your next appearance will just be your calendar call.

MR. RUGGEROLI: Thank you.

MR. BINDRUP: Thank you.

MR. PESCI: Thank you, Judge.

THE COURT: Thank you.

PROCEEDING CONCLUDED AT 9:19 A.M.

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-video recording of this proceeding in the above-entitled case.



SARA RICHARDSON
Court Recorder/Transcriber



DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

DEMARIO LOFTON-ROBINSON,
RAEKWON SETREY ROBERTSON and
DAVONTAE AMARRI WHEELER,

Defendants.

CASE NO. C-17-328587-1
C-17-328587-2
C-17-328587-3

DEPT. NO. XII

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

TUESDAY, NOVEMBER 5, 2019

**RECORDER'S TRANSCRIPT OF PROCEEDINGS
CALENDAR CALL**

APPEARANCES:

For the State:

GIANCARLO PESCI
Chief Deputy District Attorney

For Defendant Lofton-Robinson:

SCOTT BINDRUP
Deputy Special Public Defender

For Defendant Robertson:

MICHAEL W. SANFT, ESQ.

For Defendant Wheeler:

JAMES J. RUGGEROLI, ESQ.

RECORDED BY: KRISTINE SANTI, COURT RECORDER

1 LAS VEGAS, NEVADA, TUESDAY, NOVEMBER 5, 2019, 8:36 A.M.

2 * * * * *

3 THE COURT: Okay. State versus Demario Lofton-Robinson, State versus
4 Raekwon Robertson, Davontae Wheeler.

5 THE CLERK: Mr. Wheeler --

6 THE CORRECTIONS OFFICER: He's not here.

7 THE COURT: Right, that's what I --

8 You understand your client wasn't transported?

9 MR. RUGGEROLI: That's what I was informed, Your Honor.

10 MR. BINDRUP: May we approach, please?

11 THE COURT: Of course.

12 [Bench conference transcribed as follows:]

13 MR. RUGGEROLI: Good morning.

14 THE COURT: Good morning. All the attorneys are here though, right? Okay.
15 Okay.

16 MR. BINDRUP: Okay. My -- this is the competency request that I had
17 submitted last week.

18 THE COURT: Okay.

19 MR. BINDRUP: My staff, instead of submitting it to you like they should have,
20 submitted it to Judge Bell. I don't know how long she had it.

21 THE COURT: Okay.

22 MR. BINDRUP: But at some point it made it to your chambers and then we
23 were called yesterday to pick it up so that I could file it in open court and so I'm
24 doing that.

25 THE COURT: Okay.

1 MR. BINDRUP: Remember he's the one that was -- spent seven months in
2 Lake's Crossing last year and into nearly a part of this year, he still is out there
3 mentally. And, you know, so.

4 THE COURT: Okay. So you want me to refer him back to Competency
5 Court?

6 MR. BINDRUP: Yes. So I think you just need to review that, sign it, and send
7 it to Judge Bell for setting in her department whenever that's going to be.

8 And I know that Pesci, of course, wants to keep everything together, I
9 believe he's going to sent -- be sent back to Lake's Crossing, if he is, I don't how
10 much longer he can try to keep all three together. But in case he's found
11 competent, which I don't expect, then --

12 THE COURT: What happened -- well, I guess --

13 MR. BINDRUP: -- we're -- we're ready to go after that.

14 THE COURT: Well, he was found competent last time when he came back,
15 right?

16 MR. BINDRUP: Yeah. So if that happens, you know, then, of course, I think
17 it's easier to keep all three together. But if he's sent to Lake's Crossing, it might be
18 more of a difficult problem.

19 THE COURT: Okay.

20 MR. BINDRUP: And then the other thing, I heard -- I had requested the trial
21 be moved up a week because I had travel plans out of the country the week of
22 Thanksgiving into December and I heard that -- I don't know if you're dark just on
23 the part of that week or the whole week, but that was the other problem that came
24 up later.

25 THE COURT: Okay.

1 MR. BINDRUP: So, I --

2 THE COURT: So either way, it doesn't look like we're going to go forward?

3 MR. BINDRUP: Well, not for my client. So I don't know how the others want
4 to handle the rest.

5 MR. RUGGEROLI: I had previously filed a motion to sever.

6 THE COURT: Right.

7 MR. RUGGEROLI: That was for both defendants. You denied that.

8 THE COURT: And your guy, apparently --

9 MR. RUGGEROLI: He's not here.

10 THE COURT: I don't even know what happened.

11 MR. RUGGEROLI: Yeah, I don't either.

12 THE COURT: He had a problem with --

13 MR. RUGGEROLI: Right.

14 THE COURT: -- on the way up and that's why they didn't bring him.

15 MR. RUGGEROLI: Right.

16 THE COURT: So, sorry about that.

17 MR. RUGGEROLI: Yeah.

18 THE COURT: Mr. Sanft?

19 MR. SANFT: I'm ready to go.

20 THE COURT: Pardon

21 MR. SANFT: I'm ready.

22 THE COURT: Okay.

23 MR. PESCI: Judge, the State objects to a severance of the case because of
24 competency or defendant's unwillingness to come to court. We need to keep this
25 case --

1 THE COURT: Well, I don't think it was unwillingness. Well, heck, I don't
2 really know what it was to tell you the truth.

3 MR. PESCI: I'm not sure either. That's one thing that I heard, one potential
4 theory. Either way, these defendants have all waived their right to a speedy trial. I
5 do not want to try this case multiple times. For judicial economy, the State objects
6 to a *de facto* severance.

7 THE COURT: But you're ready?

8 MR. RUGGEROLI: I would be, yeah. We just had an issue about if he's
9 going to use my client's recording of the statements to the police. We wanted to go
10 through it. There's a number of things that we need to be redacted. But other than
11 that I think we're pretty good.

12 THE COURT: Okay. If we continued this, so he went to competency, I mean,
13 would you be ready? I mean, would you have been ready but for this issue?

14 MR. BINDRUP: But for, yeah.

15 THE COURT: Okay.

16 MR. BINDRUP: Other than my travel problem.

17 THE COURT: Okay. All right. So I'm going to continue it, but I'm going to
18 continue it for a short period. I mean, I'm going to try to continue it for a short
19 period. If he gets sent to Lake's Crossing, then --

20 MR. BINDRUP: It's a different --

21 THE COURT: -- we definitely have to go to Plan B.

22 MR. BINDRUP: Okay.

23 THE COURT: I don't -- it becomes a different issue.

24 MR. BINDRUP: Can we get --

25 THE COURT: Because you can't hold these guys hostage either. I mean, it

1 may end up having to sever if we continue to have this issue.

2 MR. BINDRUP: Can we either get a first of January or first of February
3 resetting?

4 THE COURT: Sure.

5 MR. RUGGEROLI: February? I have a sex assault in January, the first
6 couple of weeks.

7 THE COURT: So you wouldn't want January? You'd want February instead?
8 We'd have to probably accommodate either one.

9 MR. RUGGEROLI: Well, okay.

10 THE CLERK: We can do February, that's homicide, beginning of February.

11 MR. RUGGEROLI: I'll agree to either and I'll just put in a motion on the other
12 one.

13 THE COURT: Oh, on the other case?

14 MR. RUGGEROLI: Yeah.

15 THE COURT: So you'd rather have this one go first?

16 MR. RUGGEROLI: Yeah.

17 THE COURT: Okay.

18 MR. RUGGEROLI: Unless you want to do a status check on the competency
19 issue?

20 MR. PESCI: Maybe we should get a trial date --

21 THE COURT: Yeah. I'd like to get you a trial date so at least you have a trial
22 date.

23 MR. RUGGEROLI: Okay.

24 THE COURT: And if it -- if we have to move it, then we have to move it.

25 MR. RUGGEROLI: Yeah, thank you, Judge.

1 THE COURT: Okay.

2 [End of bench conference.]

3 THE COURT: Okay. So based on the representations, I'm going to vacate
4 the trial date. I'm going to reset it.

5 [Colloquy between the Court and the Clerk]

6 MR. SANFT: And, Your Honor, just for the record, on behalf of Raekwon
7 Robertson, I believe we were announcing ready for today as well.

8 THE COURT: And, Mr. Ruggeroli, you were ready as well, correct?

9 MR. RUGGEROLI: Yes, Your Honor. Thank you.

10 MR. SANFT: And I just want to make sure that I'm clear here, I think we've
11 been announcing ready since the very beginning on behalf of Mr. Robertson, so
12 we've been ready the entire time, and once again, we'll be delayed with regards to
13 his opportunity to go to trial in this matter. I just wanted to lay that out there that
14 we've been ready to go every single time.

15 THE COURT: Thank you.

16 Does the State want to say anything?

17 MR. PESCI: Judge, the State objects to a severance based on one
18 defendant's alleged incompetency and/or another defendant's nonappearance in
19 court today. Just for the record, Mr. Wheeler is not here.

20 THE COURT: Okay. So the trial date will be vacated. It will be reset.

21 THE CLERK: Calendar call is going to be January 21st, 2020 --

22 DEFENDANT ROBERTSON: Man, no, man, that's too far. That's too far.
23 Man, we've been going for two years already.

24 THE COURT: Okay. I'm setting, I mean, I am trying to accommodate what
25 the lawyers indicated and that's probably the soonest, I mean, it's already

1 November.

2 DEFENDANT ROBERTSON: Yeah, but he ready. Yeah, but he ready.

3 THE COURT: That's basically less than 60 days. I'm sorry?

4 DFEENDANT ROBERTSON: He's ready. He's ready. All the while he want
5 to take it to trial, so, man, let's go to trial.

6 THE COURT: Okay.

7 MR. BINDRUP: Your Honor, I'm out of country again the last two weeks of
8 January, so if you were going to set it that far in January, can we get a first week of
9 February?

10 THE CLERK: Calendar call, December 31st, 2019, 8:30; jury trial, January 6th,
11 2020, 10:30. You want me to do a status check?

12 MR. SANFT: Your Honor --

13 THE COURT: Yeah, we can do December. And we're going to do a status
14 check just to make sure.

15 MR. SANFT: Your Honor, I'm sorry to do this, I -- my entire January is
16 booked. I'll be in a federal trial, my guess would be at the end of January, but I
17 know that I have another trial scheduled for the beginning of January. I think it's
18 actually in this department. So, and I think that's on an invoked status. So if we
19 could set this for February, I -- my schedule works better for February than it is for
20 January.

21 THE COURT: I can --

22 MR. BINDRUP: Any time in February is fine with us.

23 MR. PESCI: Whatever you set, Judge, the State will be ready.

24 THE CLERK: Status check trial readiness is going to be February 18th.

25 THE COURT: Okay.

1 THE CLERK: Or, excuse me, sorry.

2 THE COURT: That's okay.

3 THE CLERK: Sorry, status check trial readiness is going to be
4 December 18th, 8:30. Calendar call is going to be February 4th, 2020, 8:30; jury trial,
5 February 10th, 2020, 10:30.

6 MR. PESCI: Thanks, Your Honor.

7 MR. RUGGEROLI: Thank you, Judge.

8 THE COURT: Thank you.

9 PROCEEDING CONCLUDED AT 8:44 A.M.

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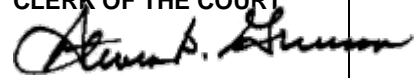
22 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
23 video recording of this proceeding in the above-entitled case.

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SARA RICHARDSON
Court Recorder/Transcriber



DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

RAEKWON SETREY ROBERTSON and
DAVONTAE AMARRI WHEELER,

Defendants.

CASE NO. C-17-328587-2
C-17-328587-3

DEPT. NO. XII

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

WEDNESDAY, DECEMBER 18, 2019

RECORDER'S TRANSCRIPT OF PROCEEDINGS
STATUS CHECK: TRIAL READINESS

APPEARANCES:

For the State:

GIANCARLO PESCI
Chief Deputy District Attorney

For Defendant Robertson & Defendant Wheeler: MICHAEL W. SANFT, ESQ.

RECORDED BY: KRISTINE SANTI, COURT RECORDER

1 LAS VEGAS, NEVADA, WEDNESDAY, DECEMBER 18, 2019, 8:47 A.M.

2 * * * * *

3 THE COURT: State of Nevada versus Robertson and Davontae Wheeler,
4 case C328587. And they're both present and in custody. And we --

5 MR. SANFT: Your Honor, I'm here on behalf of my client as well as
6 Mr. Wheeler.

7 THE COURT: So we don't have Mr. Ruggeroli here?

8 MR. SANFT: I'll be covering for Mr. Ruggeroli this morning.

9 THE COURT: Okay.

10 DEFENDANT WHEELER: Just like last time, you never know if, I mean, I'd
11 rather wait for my own lawyer to come. He never even spoke to me that he's going
12 to fill in for him. We never had a conversation about anything. So I'd rather wait for
13 my own attorney.

14 THE COURT: Okay. Is Mr. Ruggeroli planning on appearing?

15 DEFENDANT WHEELER: Thank you.

16 MR. SANFT: I don't know --

17 MR. PESCI: Mr. Ruggeroli just told me he was stuck in Justice Court 13,
18 asked if he could stand in. He says that they're on track for the trial setting and that
19 everything seems to be okay. The codefendant was just sent back to Lake's --

20 THE COURT: Right.

21 MR. PESCI: -- a week ago.

22 MR. SANFT: But we would anticipate, on behalf of Mr. Robertson, we would
23 also be ready to do. So I don't know how long the other codefendant will take at
24 Lake's Crossing, but we will be ready to go at this point. Again.


25 THE COURT: Okay. So I'm going to put it on for 30 days.

1 MR. SANFT: Thank you, Your Honor.
2 THE CLERK: January 15th, 8:30 a.m.
3 MR. PESCI: Thank you, Your Honor.
4 MR. SANFT: Thank you, Your Honor.
5 THE COURT: And if Mr. Ruggeroli appears, I'll call your case again.
6 DEFENDANT WHEELER: Thank you.
7 THE COURT: But it appears as though he's -- he may not appear today.
8 DEFENDANT WHEELER: I appreciate it. Thank you.
9 THE COURT: Thank you.

10 PROCEEDING CONCLUDED AT 8:48 A.M.

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20 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
21 video recording of this proceeding in the above-entitled case.

22 
23 SARA RICHARDSON
24 Court Recorder/Transcriber
25



DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

RAEKWON SETREY ROBERTSON and
DAVONTAE AMARRI WHEELER,

Defendants.

CASE NO. C-17-328587-2
C-17-328587-3

DEPT. NO. XII

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

WEDNESDAY, JANUARY 15, 2020

**RECORDER'S TRANSCRIPT OF PROCEEDINGS
STATUS CHECK: TRIAL READINESS (BOTH)
ALL PENDING MOTIONS (WHEELER)**

APPEARANCES:

For the State:

GIANCARLO PESCI
Chief Deputy District Attorney

For Defendant Robertson:

MICHAEL W. SANFT, ESQ.

For Defendant Wheeler:

JAMES J. RUGGEROLI, ESQ.

RECORDED BY: KRISTINE SANTI, COURT RECORDER

1 LAS VEGAS, NEVADA, WEDNESDAY, JANUARY 15, 2020, 9:23 A.M.

2 * * * * *

3 THE COURT: State versus Robertson and Wheeler, case C328587.

4 UNIDENTIFIED DEFENDANT: Good morning, Your Honor.

5 THE COURT: Good morning. They're both present and in custody.

6 MR. PESCI: Giancarlo Pesci on behalf of the State.

7 MR. RUGGEROLI: Good morning, Your Honor, James Ruggeroli on behalf of
8 Mr. Wheeler.

9 MR. SANFT: And, Your Honor, Michael Sanft as well.

10 THE COURT: Good morning. We have a February 10th trial date pending,
11 are the parties going to be ready to go?

12 MR. RUGGEROLI: Yes, Your Honor.

13 MR. SANFT: Yes, Your Honor.

14 MR. PESCI: We anticipate being ready.

15 THE COURT: Okay. I know you have a few motions.

16 MR. RUGGEROLI: Yes, Your Honor.

17 THE COURT: Do you want to start?

18 MR. RUGGEROLI: Please. Judge, starting with the motion to sever the
19 counts, the State filed a response indicating that they don't oppose. I think, to be
20 safe, the State would file an amended indictment and not have those counts
21 included, there's no real argument about that I don't believe.

22 MR. PESCI: And so -- correct.

23 THE COURT: Right. So the motion to sever counts, the State didn't have
24 any objection, so that will be granted. And I believe the State wanted to begin with
25 Counts 5 through 7 first.

1 MR. PESCI: Correct. We'll have an amended by the time of trial.

2 THE COURT: Okay.

3 MR. RUGGEROLI: Thank you, Judge.

4 THE COURT: All right.

5 MR. RUGGEROLI: Judge, as to the motion to suppress statements, Judge, I
6 believe that we've provided sufficient grounds for the Jackson v. Denno hearing. A
7 number of our contentions would require, and I think it would be more beneficial to
8 have the hearing, to have the full argument afterwards. We have some specific
9 contentions and so we would request the Jackson v. Denno hearing.

10 THE COURT: Okay. I'll grant the request for the Jackson v. Denno hearing.
11 Can we do it the first day of trial?

12 MR. PESCI: That's fine with the State.

13 MR. RUGGEROLI: Yes, Judge.

14 THE COURT: Okay. All right. Then the next one is your motion in limine to
15 preclude jail phone calls.

16 MR. RUGGEROLI: Yes, Judge. Your Honor --

17 THE COURT: Do you have any specific thing you're trying to exclude?

18 MR. RUGGEROLI: I'm not aware of anything that has been said by my client
19 that would be a problem. However, sometimes there are different views of what
20 statements actually mean. He's been in custody for quite a long time, so I would
21 suspect that the State has hours and hours and hours of statements that have been
22 made that include other parties. I, as a general motion, am asking that all of the jail
23 calls be suppressed. However, if the Court does not grant that, then I think that the
24 State should at least put us on notice to what specific calls they intend to use, if any.

25 THE COURT: Well, I believe if they're going to use it in their case-in-chief

1 they're required to.

2 MR. PESCI: Correct, Judge. But there's been no specificity as to a particular
3 item that they want to exclude. It's just a blanket request to make everything that
4 my client said not come into trial. There's no legal basis to prohibit a call that's
5 recorded and allowed by statute from the jail to be introduced and we're not going to
6 tell or do for them in advance their job and tell them, hey, maybe you should object
7 to this one.

8 So if there's a piece of evidence when we're seeking to introduce they
9 want to object to, we'll take it up at that point. But we're not going to point it out in
10 advance.

11 THE COURT: Okay. So I'm going to deny the request and any objection can
12 be made at the time of trial.

13 And the motion to disclose informants.

14 MR. RUGGEROLI: Judge, this one's mainly precautionary. We are aware of
15 one informant. I don't have reason to believe that there are others. But if there are,
16 we would like to be informed, we need to be.

17 MR. PESCI: And, Judge, we've already informed them of the individual, given
18 them the materials associated with that, don't know of any other person that would
19 fall into that category, thus we filed our opposition.

20 THE COURT: Okay. I mean, but, again, if the State has any of that
21 information, they're required to turn it over to the defense.

22 The motion to sever the counts was granted.

23 The motion to compel Brady material.

24 MR. RUGGEROLI: Thank you, Judge. Your Honor, I did point out in the
25 motion that to the extent it has not already been provided, we've already done an

1 extensive file review with the State. I believe Mr. Pesci has given us everything.
2 There are really just two issues specifically regarding the witness, D.R., the juvenile
3 and mental health records. And then the second issue was the production and
4 notification of all phone or Facebook records. And I think that the State has given us
5 everything. But we're being very cautious and want to make sure that this was
6 preserved in writing. So that's the basis for the motion.

7 THE COURT: Does the State have any juvenile and mental health records for
8 D.R.?

9 MR. PESCI: We do, and we've already given it to the defense. The defense
10 asked for it. We obtained it for them. And we gave it to them months ago.

11 THE COURT: Okay.

12 MR. RUGGEROLI: Yeah.

13 THE COURT: So is there anything in this motion that hasn't been provided to
14 you?

15 MR. RUGGEROLI: Not that I'm aware of, Judge.

16 THE COURT: Okay. All right. And then motion to compel production of
17 inducement index.

18 MR. RUGGEROLI: Thank you, Judge. I think the State has indicated, and
19 we'll just hold them to their word, that they've provided that it is everything that's
20 been required.

21 MR. PESCI: That's correct.

22 THE COURT: All right. Okay. Thank you very much, and can we just put it
23 on for your calendar call, February 4th?

24 MR. RUGGEROLI: Yes, Judge.

25 MR. SANFT: Yes, Your Honor. Thank you.

1 THE COURT: Okay. Thank you. And, Mr. Ruggeroli, you can -- you can
2 prepare your order on your motions.

3 MR. RUGGEROLI: Okay. Thank you, Judge.

4 PROCEEDING CONCLUDED AT 9:28 A.M.

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22 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
23 video recording of this proceeding in the above-entitled case.

24 
25 SARA RICHARDSON
Court Recorder/Transcriber

ORIGINAL

1 IND

2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 GIANCARLO PESCI
6 Chief Deputy District Attorney
7 Nevada Bar #007135
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

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

FEB 11 2020

BY, HALY PANNOLLO, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 RAEKWON SETREY ROBERTSON,
13 aka, Raekwon Robertson, #8252804
14 DAVONTAE AMARRI WHEELER,
15 #5909081

16 Defendant(s).

CASE NO: C-17-328587-2&3

DEPT NO: XII

AMENDED
SUPERSEDING
INDICTMENT

17 STATE OF NEVADA)
18 COUNTY OF CLARK) ss.

19 The Defendant(s) above named, RAEKWON SETREY ROBERTSON, aka, Raekwon
20 Robertson, and DAVONTAE AMARRI WHEELER, accused by the Clark County Grand Jury
21 of the crime(s) of CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS
22 200.380, 199.480 - NOC 50147); ATTEMPT ROBBERY WITH USE OF A DEADLY
23 WEAPON (Category B Felony - NRS 200.380, 193.330, 193.165 - NOC 50145) and
24 MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010,
25 200.030, 193.165 - NOC 50001), committed at and within the County of Clark, State of
26 Nevada, on or about August 9, 2017, as follows:

27 ///

28 ///

C-17-328587-2
SIND
Superseding Indictment
4900315



1 COUNT 1 - CONSPIRACY TO COMMIT ROBBERY

2 Defendants DEMARIO LOFTON-ROBINSON, RAEKWON SETREY
3 ROBERTSON, aka, Raekwon Robertson, and DAVONTAE AMARRI WHEELER, did, on
4 or about August 9, 2017, willfully, unlawfully, and feloniously conspire with each other and/or
5 unknown co-conspirators to commit a robbery, by the Defendants and/or unknown co-
6 conspirators committing the acts as set forth in Count 6, said acts being incorporated by this
7 reference as though fully set forth herein.

8 COUNT 2 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON

9 Defendants DEMARIO LOFTON-ROBINSON, RAEKWON SETREY
10 ROBERTSON, aka, Raekwon Robertson, and DAVONTAE AMARRI WHEELER, did, on
11 or about August 9, 2017, willfully, unlawfully, and feloniously attempt to take personal
12 property, to wit: U.S. Currency and/or property, from the person of GABRIEL
13 VALENZUELA, or in his presence, by means of force or violence, or fear of injury to, and
14 without the consent and against the will of GABRIEL VALENZUELA, by pointing a firearm
15 at the said GABRIEL VALENZUELA and demanding said U.S. Currency and/or property,
16 with use of a deadly weapon, to wit: a firearm, the Defendants being criminally liable under
17 one or more of the following principles of criminal liability, to wit: (1) by directly committing
18 this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that
19 this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or
20 otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to
21 commit this crime, with the intent that this crime be committed, Defendant and/or DEMARIO
22 LOFTON-ROBINSON and/or DESHAWN ROBINSON and/or RAEKWON ROBERTSON
23 and/or unknown co-conspirators aiding or abetting and/or conspiring by Defendant and/or
24 DEMARIO LOFTON-ROBINSON and/or DESHAWN ROBINSON and/or RAEKWON
25 ROBERTSON and/or unknown co-conspirators acting in concert throughout.

26 ///

27 ///

28 ///

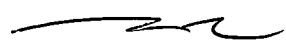
1 COUNT 3 - MURDER WITH USE OF A DEADLY WEAPON

2 Defendants DEMARIO LOFTON-ROBINSON, RAEKWON SETREY
3 ROBERTSON, aka, Raekwon Robertson, and DAVONTAE AMARRI WHEELER, did, on
4 or about August 9, 2017, willfully, unlawfully, feloniously and with malice aforethought, kill
5 GABRIEL VALENZUELA, a human being, with use of a deadly weapon, to wit: a firearm,
6 by shooting at and into the body of the said GABRIEL VALENZUELA, the said killing having
7 been (1) willful, deliberate, and premeditated, and/or (2) committed during the perpetration or
8 attempted perpetration of a robbery, the Defendants being criminally liable under one or more
9 of the following principles of criminal liability, to wit: (1) by directly committing this crime;
10 and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime
11 be committed, by counseling, encouraging, hiring, commanding, inducing, and/or otherwise
12 procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit murder
13 and/or robbery; Defendants and/or unknown co-conspirators aiding or abetting and/or
14 conspiring by Defendants and/or unknown co-conspirators acting in concert throughout.

15 DATED this 12 day of February, 2020.

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

19 BY

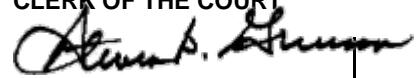

20 GIANCARLO PESCI
21 Chief Deputy District Attorney
22 Nevada Bar #007135

23 ENDORSEMENT: A True Bill
24
25

26 _____
27 Foreperson, Clark County Grand Jury

28 Names of Witnesses and testifying before the Grand Jury:

1 CODY, LORA – LVMPD #7294
2 DOSCH, MITCHELL – LVMPD #7907
3 FLETCHER, SHAWN – LVMPD #5221
4 JAEGER, RYAN – LVMPD #5587
5 LESTER, ANYA, LVMPD
6 MASON, ROBERT – c/o CCDA, 200 Lewis Avenue, LV, NV 89101
7 NEWMAN, JAMES – c/o CCDA, 200 Lewis Avenue, LV, NV 89101
8 RELATO, JOHN – c/o CCDA, 200 Lewis Avenue, LV, NV 89101
9 SIMMS, DR. LARY – ME#0002
10 SPAHN, NICKOLAUS – SHORT LINE EXPRESS – 7325 S. JONES BLVD, LV NV
11 SPEAS, WILLIAM – LVMPD #5228
12 STEIN, AGNES – FIESTA DISCOUNT MARKET-7010 W. CHARLESTON BLVD, LV NV
13 TAPAY, GLEZZELLE, LVMPD #15709
14 Additional Witnesses known to the District Attorney at time of filing the Indictment:
15 CHARLTON, NOREEN – LVMPD #13572
16 CUSTODIAN OF RECORDS - CCDC
17 CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS
18 CUSTODIAN OF RECORDS - LVMPD RECORDS
19 CUSTODIAN OF RECORDS – SHORTLINE EXPRESS – 7325 S. JONES BLVD, LV NV
20 ROMATKO, MARIAH – c/o CCDA, 200 Lewis Avenue, LV, NV 89101
21
22
23
24
25 17BGJ017A-C/17F14369A-C/mc - GJ
26 LVMPD EV#1708024571; 1708090029
27 (TK3)
28



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	CASE NO. C-17-328587-2
)	CASE NO. C-17-328587-3
Plaintiff,)	
)	DEPT. NO. XII
v.)	
)	
RAEKWON SETREY ROBERTSON,)	
a/k/a RAEKWON ROBERTSON,)	
AND DAVONTAE AMARRI WHEELER,)	
)	
Defendants.)	

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

TUESDAY, FEBRUARY 11, 2020

RECORDER'S PARTIAL TRANSCRIPT OF PROCEEDINGS:

JURY TRIAL - DAY 1
(EXCLUDES PROCEEDINGS FROM 10:43 A.M. TO 11:38 A.M.
JACKSON V. DENNO HEARING)

APPEARANCES:

FOR THE STATE:	GIANCARLO PESCI, ESQ. Chief Deputy District Attorney
	PARKER P. BROOKS, ESQ. Deputy District Attorney
FOR DEFENDANT ROBERTSON:	MICHAEL W. SANFT, ESQ.
FOR DEFENDANT WHEELER:	JAMES J. RUGGEROLI, ESQ.

RECORDED BY: SARA RICHARDSON, COURT RECORDER
TRANSCRIBED BY: VERBATIM DIGITAL REPORTING, LLC

1 LAS VEGAS, NEVADA, TUESDAY, FEBRUARY 11, 2020, 1:22 P.M.

2 (Outside the presence of the prospective jurors)

3 (Pause in the proceedings)

4 THE COURT: Okay. State of Nevada vs. Robertson and
5 Wheeler. They're both present in the courtroom. Will the
6 parties make their appearances, please?

7 MR. PESCI: Sorry. Parker Brooks and Giancarlo
8 Pesci for the State.

9 MR. SANFT: Michael Sanft on behalf of Mr.
10 Robertson, who's present.

11 MR. RUGGEROLI: Good morning -- or good afternoon,
12 Your Honor. James Ruggeroli for Mr. Wheeler, who is present
13 in custody.

14 THE COURT: Okay. Have we made a determination as
15 to the penalty phase?

16 MR. SANFT: Yes. On behalf of Mr. Robertson, we
17 have signed the stipulated waiver.

18 THE COURT: Okay.

19 MR. RUGGEROLI: And as to Mr. Wheeler as well, Your
20 Honor.

21 THE COURT: Do you have them?

22 MR. PESCI: Judge, I'm just receiving it now, so I'm
23 going to sign it as well.

24 THE COURT: Okay.

25 MR. PESCI: May I approach?

1 THE COURT: You bet. Is it just one stipulation?

2 MR. PESCI: It's one that covers both defendants.

3 THE COURT: Okay. Okay, and there's no further
4 stipulation regarding the sentence; is that correct?

5 MR. PESCI: No, just within the legal parameters for
6 first degree murder.

7 THE COURT: Okay. Mr. Robertson, if you don't mind
8 standing. You understand, if the jury returned a verdict of
9 first degree murder in this action, that you would have the
10 right to have a penalty hearing and have the jury determine
11 the appropriate penalty?

12 DEFENDANT ROBERTSON: Yes.

13 THE COURT: And you have signed this waiver,
14 indicating that you're waiving your right to have the jury
15 make any determination on a first degree murder conviction,
16 and that the Court would make the determination?

17 DEFENDANT ROBERTSON: Yes, I am.

18 THE COURT: And you know what the three possible
19 penalties are: life without the possibility of parole, life
20 with the possibility of parole after a minimum of 20 years has
21 been served, or a definite term of 50 years with parole
22 eligibility beginning after a minimum of 20 years has been
23 served?

24 DEFENDANT ROBERTSON: Yes.

25 THE COURT: And you had an opportunity to discuss

1 this waiver with your lawyer?

2 DEFENDANT ROBERTSON: Yes.

3 THE COURT: And he answered all of your questions?

4 DEFENDANT ROBERTSON: Yeah, he answered everything.

5 THE COURT: Okay, and you believe that it's in your
6 best interest to waive any penalty hearing?

7 DEFENDANT ROBERTSON: Yeah.

8 THE COURT: And you understand it would only be
9 applicable if the jury returned a first degree murder
10 conviction, and only to that count? And this is your
11 signature on the stipulation?

12 DEFENDANT ROBERTSON: Yes.

13 THE COURT: And you read it before you signed it?

14 DEFENDANT ROBERTSON: Yeah, I read it.

15 THE COURT: And you understood it prior to signing
16 it?

17 DEFENDANT ROBERTSON: Yeah, I understood it.

18 THE COURT: Okay.

19 DEFENDANT ROBERTSON: I asked my attorney questions;
20 he explained it.

21 THE COURT: Okay. And do you have any questions of
22 the Court?

23 DEFENDANT ROBERTSON: No.

24 THE COURT: Okay. Thank you, Mr. Robertson.

25 And Mr. Wheeler, if you don't mind standing. It

1 appears as though you have entered into a stipulation with the
2 State to waive any penalty hearing if there was a conviction
3 for first degree murder in this action; is that correct?

4 DEFENDANT WHEELER: Yes, Your Honor.

5 THE COURT: And you understand that if there was a
6 conviction for first degree murder, you would have the right
7 to have the same jury that we impanel determine the
8 appropriate penalty? You understand that?

9 DEFENDANT WHEELER: Repeat that for me again.

10 THE COURT: Okay. You understand that if there was
11 a -- if the jury returns a verdict of first degree murder, you
12 have the right to have the same jury determine what the
13 appropriate penalty would be?

14 DEFENDANT WHEELER: I understand.

15 THE COURT: You understand that?

16 DEFENDANT WHEELER: Yes, Your Honor.

17 THE COURT: Okay, and that you have entered into an
18 agreement with the State of Nevada to waive any penalty
19 hearing and to have the Court determine the appropriate
20 sentence?

21 DEFENDANT WHEELER: Yes, Your Honor.

22 THE COURT: And that's what you want to do?

23 DEFENDANT WHEELER: Yes, Your Honor.

24 THE COURT: Okay, and you had a chance to discuss
25 this with your lawyer?

1 DEFENDANT WHEELER: Yes, Your Honor.

2 THE COURT: He answered all of your questions?

3 DEFENDANT WHEELER: Yes, Your Honor.

4 THE COURT: You're doing this freely and

5 voluntarily?

6 DEFENDANT WHEELER: Yes, Your Honor.

7 THE COURT: Okay, and you had a chance to read this

8 waiver?

9 DEFENDANT WHEELER: Yes, Your Honor.

10 THE COURT: Okay, and that is your signature on page

11 2?

12 DEFENDANT WHEELER: Yes, Your Honor.

13 THE COURT: And you read it before you signed it?

14 DEFENDANT WHEELER: Yes, Your Honor.

15 THE COURT: Okay. And any questions that you had,

16 your attorney has answered to your satisfaction; is that

17 correct?

18 DEFENDANT WHEELER: Yes, Your Honor.

19 THE COURT: Do you have any questions of the Court?

20 DEFENDANT WHEELER: Not -- not -- no. No, Your

21 Honor.

22 THE COURT: Okay. And you understand what the three

23 options would be if there was a first degree murder

24 conviction?

25 DEFENDANT WHEELER: Can you repeat them for me, Your

1 Honor?

2 THE COURT: Absolutely. Life without the
3 possibility of parole, life with the possibility of parole
4 after a minimum of 20 years has been served, or a definite
5 term of 50 years with parole eligibility beginning after a
6 minimum of 20 years has been served. And of course, if
7 there's a -- if the jury found a deadly weapon enhancement, it
8 would be a consecutive 1 to 20 for the deadly weapon
9 enhancement.

10 DEFENDANT WHEELER: Yes, Your Honor.

11 THE COURT: Okay. Do you have any questions?

12 DEFENDANT WHEELER: No, no, I'll speak with my
13 lawyer about it, but no questions. No.

14 THE COURT: Okay. Is it anything about waiving the
15 penalty hearing?

16 DEFENDANT WHEELER: No, no, Your Honor.

17 THE COURT: Okay, and so you're ready to proceed?

18 DEFENDANT WHEELER: Yes, ma'am. Yes, Your Honor.

19 THE COURT: Okay, all right. I will sign this, and
20 then -- so, obviously, neither side will ask this jury panel
21 any questions about the penalty.

22 MR. SANFT: Yes, Your Honor. That's correct.

23 MR. PESCI: Correct, Your Honor.

24 THE COURT: Okay. Thank you. Anything before we
25 bring this jury panel in?

1 MR. RUGGEROLI: Judge, I had asked the State if we
2 could make a record. I believe we may have done this
3 previously, but --

4 THE COURT: Okay.

5 MR. RUGGEROLI: -- out of an abundance of caution.
6 There was an offer that had been extended quite some time ago.

7 THE COURT: Oh, okay.

8 MR. RUGGEROLI: And I just want to make sure that we
9 preserve it for the record. This would be the most opportune
10 time.

11 THE COURT: Okay.

12 MR. RUGGEROLI: If Mr. Pesci -- there were two
13 alternatives, and I did explain to Mr. Wheeler, and we did
14 reject it, but I want to make sure that there's a record, if
15 we may.

16 THE COURT: Okay, I appreciate that. Thank you.

17 Will the State indicate for the record what the
18 offer was?

19 MR. PESCI: Yes. The offer was a choice between two
20 options, one being plead to first degree murder, or two, plead
21 to second degree murder with use of a deadly weapon and
22 attempt robbery. Both instances, the State and the defense
23 retains the full right to argue within the confines of those
24 particular charges.

25 I'm looking back at my -- I'm trying to go back over

1 things, and I think this was done probably early summer of
2 2019, as far as the offer being extended. And my recollection
3 is that, in court, the defendants rejected it.

4 THE COURT: Okay, and it was the same offer for both
5 Mr. Robertson and Mr. Wheeler?

6 MR. PESCI: Yes, and it's contingent they both would
7 have to take it.

8 THE COURT: Okay. And Mr. Robertson, was that your
9 understanding of the offer made by the State of Nevada?

10 MR. SANFT: I'm sorry, Your Honor, if I could just
11 have a quick second.

12 THE COURT: That's okay.

13 (Pause in the proceedings)

14 MR. SANFT: Yes, Your Honor.

15 THE COURT: Okay. And Mr. Robertson, that's your
16 understanding of what the offer was from the State of Nevada?

17 DEFENDANT ROBERTSON: Yes.

18 THE COURT: And you have decided to reject that
19 offer; is that correct?

20 DEFENDANT ROBERTSON: Yes.

21 THE COURT: Okay. And Mr. Wheeler, that is your
22 understanding of what the offer was from the State of Nevada?

23 DEFENDANT WHEELER: Yeah.

24 THE COURT: And it's my understanding you want to
25 reject that offer and proceed to trial?

1 DEFENDANT WHEELER: Yes, Your Honor.

2 THE COURT: Okay.

3 MR. SANFT: Your Honor, I just want to make sure
4 we're clear. I don't know if the offer was still open. I
5 think we were just making a record of what was offered back
6 last summer, not necessarily that that offer is still open
7 today.

8 MR. PESCI: Yeah. I mean, from the State's
9 perspective, it was rejected when it was previously offered --

10 THE COURT: Okay.

11 MR. PESCI: -- and they rejected it. I'm not
12 hearing them saying they want to take it right now; I'm
13 hearing them saying they're rejecting it.

14 THE COURT: Right. And Mr. Ruggeroli asked me to
15 make that record, so --

16 MR. RUGGEROLI: Thank you.

17 THE COURT: If we did it before, great. But if we
18 didn't, it's clearly on the record now.

19 MR. RUGGEROLI: Yes. And just for clarification for
20 Mr. Wheeler, the State had retained the right to argue -- the
21 full right to argue, which would have meant that on the first
22 option, the State could have asked for life without, and I
23 believe that that's what they were intending to do.

24 THE COURT: That is correct.

25 MR. PESCI: Well, whether we intended or not is a

1 different issue. It's one of the possible forms of punishment
2 under that negotiation, whether we go to trial and get a first
3 degree murder or we do a negotiation.

4 THE COURT: Okay.

5 MR. PESCI: Judge, I apologize. Is it all right if
6 we take a little break? Because it seems like there's some
7 questions.

8 THE COURT: Well, yeah, I'm concerned.

9 MR. PESCI: I want to make sure that they've got --

10 THE COURT: Do you gentlemen want to speak to your
11 lawyers a little bit further?

12 DEFENDANT ROBERTSON: Yes, please.

13 DEFENDANT WHEELER: Yeah, I understand completely.

14 THE COURT: Okay. I mean, we'll give you a few
15 minutes.

16 DEFENDANT ROBERTSON: I'd like to speak with my
17 lawyer.

18 THE COURT: We can give you a few minutes. We'll
19 leave.

20 MR. SANFT: Thank you, Your Honor.

21 MR. PESCI: Your Honor, with your permission, so
22 they can talk, do you want us to go out?

23 THE COURT: Sure.

24 MR. PESCI: Can we go out the back?

25 THE COURT: You can let them talk, and we'll go in

1 the back.

2 MR. SANFT: I'll talk to him in the back.

3 THE COURT: Oh, you want to talk in the back?

4 (Court recessed at 1:34 P.M. until 1:45 P.M.)

5 (Outside the presence of the prospective jurors)

6 THE COURT: Mr. Sanft, Mr. Ruggeroli, are we ready
7 to bring the panel in?

8 MR. RUGGEROLI: We're going to proceed.

9 MR. SANFT: We are going to proceed, Your Honor.

10 THE COURT: Okay.

11 (Pause in the proceedings)

12 THE MARSHAL: All rise for the entering jury,
13 please. Jurors.

14 (Within the presence of the prospective jurors)

15 (Pause in the proceedings)

16 THE COURT: Do we have everybody?

17 THE MARSHAL: Give me one second, ma'am.

18 THE COURT: Okay.

19 (Pause in the proceedings)

20 THE COURT: Okay, does the State stipulate to the
21 presence of the panel?

22 MR. PESCI: Yes, Your Honor.

23 THE COURT: Mr. Sanft?

24 MR. SANFT: Yes, Your Honor.

25 THE COURT: Mr. Ruggeroli?

1 MR. RUGGEROLI: Yes, Your Honor.

2 THE COURT: Okay, thank you.

3 Good afternoon, ladies and gentlemen. Welcome to
4 Department 12 of the Eighth Judicial District Court. My name
5 is Michelle Leavitt. I'm the presiding Judge in this
6 Department.

7 You have been summonsed here today to serve as
8 jurors in a criminal case entitled State of Nevada vs.
9 Wheeler. Can you hear me, sir? Okay, I just want to make
10 sure that everyone can -- somebody over here?

11 UNIDENTIFIED SPEAKER: I can't. Can you speak up,
12 ma'am?

13 THE COURT: Okay. Well, we have earphones that will
14 amplify it, so I'll let the officer get that to you. But yes,
15 I will speak up.

16 THE MARSHAL: Who else? Anybody else need
17 headphones?

18 THE COURT: Okay, is that better, sir?

19 Okay, good.

20 You have been summonsed here today to serve as
21 jurors in a criminal case entitled State of Nevada vs.
22 Robertson and Wheeler. Before I do allow both sides to speak
23 to you and give you a brief statement of the facts, I'm going
24 to introduce the staff in Department 12 and tell you what they
25 all do.

1 You have met Officer Hawkes. He is the Marshal in
2 Department 12. He is the person that you will have the most
3 contact with.

4 Throughout this process of selecting a jury, and
5 after we do have a jury impaneled, myself, the attorneys, the
6 parties, the staff in Department 12, with the exception of
7 Officer Hawkes, are not permitted to have any communication
8 with you whatsoever outside of the courtroom. So if there's
9 anything that you need to communicate to the Court, I'd just
10 ask that you do so in the courtroom in the presence of both
11 sides. Otherwise, you can talk to Officer Hawkes.

12 To my right is Haly. Haly is the Court Clerk in
13 Department 12. She keeps the official record, she keeps the
14 official minutes. She's also the person that will take charge
15 of all of the evidence at the time of trial when it is
16 admitted.

17 To her right is David. David's a licensed attorney
18 in the State of Nevada. He is the Law Clerk in Department 12,
19 and he assists with legal issues.

20 To his right is Sara. Sara is the Court Recorder in
21 Department 12. It's her job to take down everything that's
22 being said during these proceedings. At some point, she'll be
23 called upon by myself to prepare a written transcript of
24 everything that is said during this trial.

25 So when you are called upon to address the Court or

1 the lawyers, before you respond, that you just state your
2 name, the badge number that's been provided to you by the Jury
3 Commissioner before responding so that we have a clear record
4 of who is speaking at all times.

5 At this time, I'm going to allow the attorneys to
6 introduce themselves. They will have an opportunity to give
7 you a brief statement of the facts. Each side will also give
8 you their witness list. I ask that you pay close attention to
9 the names on the witness list because at some point I will ask
10 you if you're familiar with any of the witnesses who will be
11 called to testify in this matter.

12 The State of Nevada?

13 MR. PESCI: Thank you, Your Honor.

14 Ladies and gentlemen, my name is Giancarlo Pesci.
15 This is Parker Brooks. We are the District Attorneys assigned
16 to this case.

17 This case involves three charges. There's a charge
18 of conspiracy to commit robbery, attempted robbery with use of
19 a deadly weapon, and murder with use of a deadly weapon.
20 That's alleged to have occurred here in Clark County, Nevada;
21 specifically, 5536 Dewey Avenue here in Las Vegas, on or about
22 August 9th of 2017.

23 In the process of presenting the case, we, the State
24 of Nevada, will present witnesses. I have a list here of
25 witnesses. As the Court has explained, please listen to see

1 if maybe you know some of them. We will not call all of these
2 names as witnesses, but you may hear of them, even if they are
3 not called as witnesses.

4 Sarath Bambarendago. A Sonny Bogatay. Tracey
5 Bushman. An Officer Calleja. An Officer Catricala.
6 Detective Lara Cody. Detective Darren Cook. Custodian of
7 records for the Nevada Department of Corrections. A custodian
8 of records for Sprint. Custodian of records for T-Mobile.
9 Custodian of records for Metro Dispatch. Custodian of records
10 for the Short Line Express convenience store.

11 A Detective Mitch Dosch. Witness Pelita Dizon. An
12 Officer Garcia. A detective named Ryan Jaeger. A witness
13 named Bob Jano. Mercedita Jano. Janessa Justice. Rae
14 Klassen. Detective Jason McCarthy. Robert Mason. Lucy
15 Mendoza. Officer Fred Merrick. James Newman. Officer
16 Parker. Officer Parra. A John Relato. Anthony Reeves.
17 DeShawn Robinson. Mariah Romatko. Officer Sandoval. Marcell
18 Solomon. Nikolaus Spahn. An Officer Tromboni. Officer
19 Truax, T-r-u-a-x. Officer -- or Detective Tod Williams.

20 Officer Barringer. Crime Scene Analyst Claire
21 Browning. Crime Scene Analyst Noreen Charlton. A doctor with
22 the coroner's office, Jennifer Corneal. A crime scene analyst
23 named Laura Brooke Cornell. A crime scene analyst named Shawn
24 Fletcher. A computer forensic analysis employee with Metro
25 named Jessica Flink. An Officer Guerrero -- or Crime Scene

1 Analyst Guerrero. A firearms expert, Anya Lester. A
2 fingerprint expert of Linda Manigault. A DNA expert, Allison
3 Rubino. A Crime Scene Analyst Schellberg. Crime Scene
4 Analyst Jeffrey Scott. And Crime Scene Analyst Shannon.

5 Additionally, Crime Scene Analyst William Speas. A
6 retired crime scene analyst, Ebony Stephens. A crime scene
7 analyst named Glezzelle Tapay. And an Officer Tomaino. Thank
8 you, Your Honor.

9 THE COURT: Mr. Sanft?

10 MR. SANFT: Yes, Your Honor. Good afternoon. My
11 name's Michael Sanft. I represent Raekwon Robertson.
12 Raekwon, can you stand up for a second? Raekwon's been
13 charged in the crimes that you've heard the State allege here
14 today. He's pled not guilty to those charges. We don't
15 anticipate calling any witnesses, but we anticipate using
16 cross-examination on the State's witnesses in this case.
17 Thank you.

18 THE COURT: Any other witnesses you want to advise
19 the panel of?

20 MR. SANFT: No, Your Honor.

21 THE COURT: Oh, sorry. Mr. Ruggeroli?

22 MR. RUGGEROLI: Thank you, Your Honor.

23 Good afternoon, ladies and gentlemen. My name is
24 James Ruggeroli. I represent Davontae Wheeler; he is
25 standing. He is not guilty of those charges. The State has

1 read a list of witnesses. We would not intend to potentially
2 call anybody other than what they've already called. Thank
3 you.

4 THE COURT: Thank you. At this time, ladies and
5 gentlemen, the clerk's going to call the roll of the panel of
6 prospective jurors. When your name is called, please indicate
7 "present" or "here."

8 (CLERK CALLS ROLL OF PROSPECTIVE JURY PANEL)

9 THE COURT: Okay. Is there anyone whose name was
10 not called by the clerk of the court? Okay, the record will
11 reflect no response from the panel.

12 The questioning of the jury panel is done under
13 oath, so if you'll all please stand and raise your right hand
14 so the Clerk can administer the oath.

15 PROSPECTIVE JURY PANEL SWORN

16 THE CLERK: You may be seated.

17 THE COURT: Thank you.

18 We're about to commence what is called voir dire
19 examination. The term "voir dire" means to tell the truth.
20 During this process, you will be asked questions bearing upon
21 your ability to sit as fair and impartial jurors. To
22 accomplish this result, various questions will be asked of you
23 by myself or counsel for the parties.

24 On occasion, some of these questions will seem
25 somewhat personal. While we do not wish to unnecessarily pry

1 into your personal lives, the questions are necessary so that
2 counsel and the Court can make an intelligent determination as
3 to your capabilities to serve fairly and impartially. I want
4 you to know that myself, and the attorneys, and all other
5 persons involved in this case are concerned with having this
6 matter tried by jurors who are completely open-minded,
7 neutral, objective, and unbiased in their thinking.

8 Wide discretion is vested in the trial judge as to
9 the method of examination of jurors. As I stated previously,
10 I will personally conduct the voir dire, but I will give the
11 attorneys the opportunity to participate in this questioning.

12 It is important that you know the significance of
13 full, complete, and honest answers to all the questions we're
14 about to ask you. I caution you not to try to hide or
15 withhold anything which might indicate bias or prejudice of
16 any sort by any of you. Should you fail to answer truthfully,
17 if you hide or withhold anything touching upon your
18 qualifications, that fact may tend to contaminate your verdict
19 and subject you to further inquiry, even after discharged as
20 jurors. Your decision should be based upon all of the
21 evidence presented during this trial, and not based upon any
22 preconceived prejudice or bias.

23 I will conduct a general voir dire examination of
24 you while you are all seated in the audience. After those
25 general questions, the Clerk will call the first 32 names to

1 fill the jury box.

2 At some point during the process of selecting a
3 jury, the attorneys for both sides will have the right to ask
4 that a particular person not serve as a juror. These requests
5 are called challenges. There are two types of challenges:
6 challenges for cause and peremptory challenges.

7 A challenge for cause means that a juror's been
8 excused because his or her answers to some of the voir dire
9 questions indicate that he or she would have a difficult time
10 in giving a fair and impartial hearing to this case. I will
11 ask the attorneys to pass or waive the prospective jurors for
12 a cause challenge when they are done questioning the jury
13 panel. A peremptory challenge means that a juror can be
14 excused from duty without counsel having to give a reason for
15 that excusal.

16 Please do not be offended should you be excused by
17 either of the challenge procedures. They are simply a part of
18 the procedures designed to protect the rights of the parties
19 under our system of government.

20 Is there anyone on the panel who's ever been
21 convicted of a felony?

22 THE MARSHAL: If you don't mind standing up.

23 THE COURT: Your name and badge number, please?

24 PROSPECTIVE JUROR NO. 600: Jeffrey Hall.

25 THE COURT: And your badge number?

1 PROSPECTIVE JUROR NO. 600: 07-0600.

2 THE COURT: So, 0600? Okay. Mr. Hall, you -- do

3 you currently have a felony conviction?

4 PROSPECTIVE JUROR NO. 600: I was convicted back in

5 '91.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 600: But when I answered

8 that, they told me I still have to appear.

9 THE COURT: Okay. Do you currently have a felony

10 conviction?

11 PROSPECTIVE JUROR NO. 600: No.

12 THE COURT: Okay. What happened to it? Was it

13 reduced?

14 PROSPECTIVE JUROR NO. 600: I was -- I finished my

15 parole and everything --

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 600: -- in 2009.

18 THE COURT: Okay. 1991 to 2009?

19 PROSPECTIVE JUROR NO. 600: Yes.

20 THE COURT: Okay. And do you believe you still have

21 that felony conviction?

22 PROSPECTIVE JUROR NO. 600: I don't think so.

23 THE COURT: Okay. Was it sealed, or dismissed, or

24 something like that?

25 PROSPECTIVE JUROR NO. 600: No, it wasn't.

1 THE COURT: Okay, here's what I'm going to ask you
2 to do. I'm going to ask you to write down your name, your
3 date of birth, and your social security number, and then hand
4 it to the court Marshal. And when he is done with that, we'll
5 make sure that that information gets shredded.

6 Anyone else that wants to respond to that question?
7 Okay, the record will reflect no further response from the
8 panel.

9 Is there anyone on this panel who is not a citizen
10 of the United States? You can have a seat, sir. Anyone that
11 is not a citizen of the United States? The record will
12 reflect no response from the panel.

13 Is there anyone on this panel who is not a resident
14 of Clark County, Nevada? The record will reflect no response
15 from the panel.

16 Is there anyone who has such a sympathy, prejudice,
17 or bias relating to age, religion, race, gender, or national
18 origin that they feel would affect their ability to be an
19 open-minded, fair, and impartial juror? The record will --
20 okay.

21 PROSPECTIVE JUROR NO. 586: Just hold it here?
22 Okay. My name's Valerie Musial. Juror ID 102114279.

23 THE MARSHAL: No, that's the wrong number.

24 THE COURT: Yeah, that's not the --

25 PROSPECTIVE JUROR NO. 586: 07-0586.

1 THE COURT: 0586? Okay. Go ahead, Ms. Musial.

2 PROSPECTIVE JUROR NO. 586: Both of my parents -- I
3 spent my whole life in foster care. Both of my parents were
4 sent to prison, which I believe they were wrongfully
5 convicted. I believe the black community right now is being
6 disgraced against, and no matter what, I'll plead not guilty
7 if the defendants are African-American.

8 THE COURT: I'm sorry, I don't know what that means,
9 because no one's going to ask you to enter a plea.

10 PROSPECTIVE JUROR NO. 586: Okay. I'm saying
11 though, as far as a decision, I'm not able to make a proper
12 decision because I don't feel like black people are being
13 fairly treated in the United States right now.

14 THE COURT: Okay. So you've made a determination as
15 to what the result would be in this matter --

16 PROSPECTIVE JUROR NO. 586: Correct, unfortunately.

17 THE COURT: Let me finish. Without hearing any
18 evidence?

19 PROSPECTIVE JUROR NO. 586: Yes.

20 THE COURT: So it doesn't matter what the evidence
21 is; you've reached a conclusion?

22 PROSPECTIVE JUROR NO. 586: Correct, as not guilty.

23 THE COURT: Okay, you can have a seat. Thank you.
24 Anyone else that wants to respond to that question?

25 PROSPECTIVE JUROR NO. 474: Dennis Rorabaugh, Juror

1 474.

2 THE COURT: Thank you.

3 PROSPECTIVE JUROR NO. 474: Although I do not
4 recognize the names of the prior -- the law enforcement that
5 will be called, I cannot say that I do not know them, due to
6 prior career and experience living in Las Vegas.

7 THE COURT: Okay. Who do you believe you know?

8 PROSPECTIVE JUROR NO. 474: I've ran across a lot of
9 different law enforcement in Clark County over the years for
10 the last 25 years, and cannot say that I don't know multiple.

11 THE COURT: Okay. Well, it's okay, you're allowed
12 to know a witness. I just need to know if there is anything
13 about that that would affect your ability to be fair and
14 impartial.

15 PROSPECTIVE JUROR NO. 474: I can't say that there's
16 not.

17 THE COURT: I'm sorry?

18 PROSPECTIVE JUROR NO. 474: I can't say that I will
19 not be impartial to a decision due to evidence presided with
20 me knowing or knowing friends of law enforcement.

21 THE COURT: Okay. I'm not sure I'm understanding,
22 okay? Because you're permitted to serve on a jury panel, even
23 if you know the witnesses that would come in and testify. You
24 just have to be able to make a commitment to be fair and
25 impartial to both sides, regardless of who the witnesses are.

1 Do you understand that?

2 PROSPECTIVE JUROR NO. 474: I do understand that,
3 and I'm stating that I'm not sure that I could do that
4 properly.

5 THE COURT: Why?

6 PROSPECTIVE JUROR NO. 474: I don't have an exact
7 answer for you. I'm just trying to state on the record where
8 I'm coming from.

9 THE COURT: Okay. I mean, and you understand that
10 we have to have jurors that will judge this case based solely
11 upon what they see and hear in the courtroom, and nothing
12 else? Do you understand that?

13 PROSPECTIVE JUROR NO. 474: Sure. Yes, I understand
14 that.

15 THE COURT: Okay. And it would be very unfair to
16 these parties if a witness came in and you decided, well, I
17 know that witness, I'm not going to be fair now, I'm going to
18 reach a different result. Do we have to worry about that with
19 you?

20 PROSPECTIVE JUROR NO. 474: That's up to the Court.

21 THE COURT: Well, I'm the Court, and I'm trying to
22 make that determination. Do I have to worry about that with
23 you?

24 PROSPECTIVE JUROR NO. 474: I'm stating that
25 possibly you might, yes.

1 THE COURT: Okay. So what, if you recognize a
2 police officer? I'm trying to figure out -- I mean, so if
3 there's a police officer that comes in --

4 PROSPECTIVE JUROR NO. 474: Due to the
5 circumstances, I'm not sure what would come of evidence or
6 circumstances that may or may not give a unbiased opinion of
7 those circumstances, is I guess what I'm exactly trying to
8 convey.

9 THE COURT: Okay. So we have to wait until you see
10 all the witnesses and hear all the evidence before you will
11 commit to being fair and impartial to both sides?

12 PROSPECTIVE JUROR NO. 474: I'm saying that I
13 possibly might not be able to be fair and impartial on both
14 sides, yes.

15 THE COURT: Okay, and what would cause you to not be
16 fair and impartial to either side?

17 PROSPECTIVE JUROR NO. 474: I wouldn't know exactly.

18 THE COURT: Okay, thank you. You can have a seat.

19 PROSPECTIVE JUROR NO. 474: Thank you, Your Honor.

20 THE COURT: Anyone else that wishes to respond to
21 that question? Okay, the record will reflect no further
22 response from the panel.

23 Are there any of you who are acquainted with the
24 defendants in this matter? The record will reflect no
25 response from the panel.

1 Any of you who are acquainted with their lawyers,
2 Mr. Ruggeroli or Mr. Sanft? The record will reflect no
3 response from the panel.

4 Are there any of you who are acquainted with the
5 deputy District Attorneys that have been assigned to prosecute
6 this matter? The record will reflect no response from the
7 panel.

8 The District Attorney's office employs many deputies
9 and other personnel. Is there anyone who has such a close
10 relationship with either the District Attorney, Mr. Steve
11 Wolfson, his deputies, or other members of his staff that you
12 feel might affect your ability to serve as a fair and
13 impartial juror in this particular case? The record will
14 reflect no response from the panel.

15 Are there any of you on the panel who are acquainted
16 with any of the witnesses whose names were previously
17 mentioned by the lawyers? Okay, the record will reflect no
18 response from the panel.

19 We do expect this case to go through the week, and
20 we do expect it to probably go into next week, and Monday is a
21 holiday. So I do anticipate that it will go into next week.
22 Is there anyone who serving for that period of time would
23 present such an undue burden or hardship such that it's
24 impossible for you to be here? Okay, we're just going to
25 start up on the top, and --

1 THE MARSHAL: Can you pass that down, please?
2 PROSPECTIVE JUROR NO. 410: Sean McGinty, 410.
3 THE COURT: Thank you.
4 PROSPECTIVE JUROR NO. 410: I'll be moving from --
5 we're finishing a move from Texas, beginning on the 23rd of
6 February, so.
7 THE COURT: You're moving to Texas February --
8 PROSPECTIVE JUROR NO. 410: Finishing a move. So we
9 were -- we live here now, but --
10 THE COURT: Okay.
11 PROSPECTIVE JUROR NO. 410: -- we'll be finishing a
12 move. So it's already scheduled, and finishing getting our
13 belongings out, so.
14 THE COURT: How long have you lived here in Clark
15 County?
16 PROSPECTIVE JUROR NO. 410: This will be a
17 year-and-a-half.
18 THE COURT: Okay, and you're still moving?
19 PROSPECTIVE JUROR NO. 410: Still have a business
20 there as well, so --
21 THE COURT: Okay.
22 PROSPECTIVE JUROR NO. 410: Yeah.
23 THE COURT: Okay. And February 23rd is your issue?
24 Is that a yes?
25 PROSPECTIVE JUROR NO. 410: Yes.

1 THE COURT: Okay. Thank you. Thank you, you can
2 have a seat. Anyone else that wishes to address the Court?

3 THE MARSHAL: We'll get back there.

4 PROSPECTIVE JUROR NO. 054: Ana Carias, 54. I'm
5 going out of the country on the 20th, so I'll be back on the
6 3rd, for vacation.

7 THE COURT: You're leaving on February 20th?

8 PROSPECTIVE JUROR NO. 054: Yes.

9 THE COURT: Okay. And is this a -- it's a vacation?

10 PROSPECTIVE JUROR NO. 054: Yes, ma'am.

11 THE COURT: Okay, thank you. Thank you for being
12 here.

13 THE MARSHAL: Can you pass it down, please?

14 THE COURT: Anyone else on this first row? I'm just
15 going to go around the courtroom. I promise, everyone, you'll
16 have an opportunity to speak if you want to.

17 PROSPECTIVE JUROR NO. 403: Samantha Levine, 403.
18 And I have a prior engagement on Friday the 20th, throughout
19 the weekend, that I have already paid for months in advance.
20 And I also --

21 THE COURT: What does that mean? What's a prior
22 engagement?

23 PROSPECTIVE JUROR NO. 403: I have a convention that
24 I'm going to that I had planned out.

25 THE COURT: Okay, in Las Vegas? Elsewhere?

1 PROSPECTIVE JUROR NO. 403: It's in Las Vegas.
2 THE COURT: Okay.
3 PROSPECTIVE JUROR NO. 403: But I had already spent
4 a lot of money planning to go to it.
5 THE COURT: All right. When did you plan this
6 convention?
7 PROSPECTIVE JUROR NO. 403: I've been planning it
8 since last year, since I would say maybe in September.
9 THE COURT: Okay. Is it work-related?
10 PROSPECTIVE JUROR NO. 403: It's not work-related.
11 THE COURT: Okay. All right, thank you.
12 THE MARSHAL: Pass it down, please.
13 THE COURT: Anyone else on that top row?
14 THE MARSHAL: Sir, we're going to get back to you
15 over there.
16 PROSPECTIVE JUROR NO. 432: Austin Pan, 0432. I
17 have to go to the victim sentencing notification. I --
18 THE COURT: Is there a document you want me to look
19 at?
20 PROSPECTIVE JUROR NO. 432: Yeah.
21 (Pause in the proceedings)
22 THE COURT: So this is your notice that you can make
23 a statement on that day --
24 PROSPECTIVE JUROR NO. 432: Uh-huh.
25 THE COURT: -- February 13th?

1 PROSPECTIVE JUROR NO. 432: Yes, I'm one of the
2 victim of the case.

3 THE COURT: Okay, so that's Thursday?

4 Okay. If you were selected to serve on the panel, I
5 would make accommodations for you to make sure you get to give
6 your statement. Okay?

7 Okay, all right. You can have your documents back.

8 THE MARSHAL: Anybody in the middle row? Can you
9 pass it down, please?

10 PROSPECTIVE JUROR NO. 450: Francis Gamboa, 450. So
11 my reason is, I work per diem, and ever since I had a baby, my
12 mom and dad live with me. So I wouldn't be paid if I served
13 during this case.

14 THE COURT: What do you do?

15 PROSPECTIVE JUROR NO. 450: I'm a nurse.

16 THE COURT: Okay. Do you work in a hospital?

17 PROSPECTIVE JUROR NO. 450: A surgery center.

18 THE COURT: Okay, and your employer will not pay you
19 while you're here?

20 PROSPECTIVE JUROR NO. 450: As far as I know,
21 because I'm per diem.

22 THE COURT: Okay. What does that mean, per diem?
23 You get paid by the day?

24 PROSPECTIVE JUROR NO. 450: The only -- no. They
25 only get you if they need you.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 450: And although it's not
3 considered a full-time job, I'm there for the week, because
4 usually they need me.

5 THE COURT: Okay. Are you scheduled every day this
6 week?

7 PROSPECTIVE JUROR NO. 450: So far this week, yes.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 450: The rest of this week.

10 THE COURT: And if you were asked to be here and you
11 weren't able to go to work, how would that affect you
12 financially?

13 PROSPECTIVE JUROR NO. 450: I have a house, paying a
14 mortgage on that, a car, the new baby. It would be pretty --
15 pretty hard.

16 THE COURT: Would you be able to pay your bills?

17 PROSPECTIVE JUROR NO. 450: It would be difficult.

18 THE COURT: Okay, thank you, sir. Thank you for
19 being here.

20 PROSPECTIVE JUROR NO. 450: Thank you.

21 THE MARSHAL: Anybody else in the middle row?

22 THE COURT: Second row?

23 THE MARSHAL: Front row? Can you pass it down this
24 way, please?

25 PROSPECTIVE JUROR NO. 495: Kristine Gallardo, 495.

1 I just wanted to say, I can serve any time, but this
2 week, with the Coronavirus going on -- I work at Prestige
3 Cruises, and I've got 300 clients that are going out in the
4 next two days to Asia, and I have to get them somewhere else.
5 So if I can be excused for this one, I wouldn't mind serving
6 for another one.

7 THE COURT: And what do you do?

8 PROSPECTIVE JUROR NO. 495: I'm a supervisor of
9 customer service.

10 THE COURT: For a travel agency?

11 PROSPECTIVE JUROR NO. 495: Yes, an online travel
12 agency. Yes.

13 THE COURT: Okay, thank you.

14 PROSPECTIVE JUROR NO. 495: And I'm the only
15 breadwinner for a family of five, so.

16 THE COURT: Okay, thank you.

17 PROSPECTIVE JUROR NO. 496: Hi. I'm Angela Segura,
18 496. I am a nurse, and I'm the only breadwinner, and this
19 would take out about five to six days of my paycheck, and --

20 THE COURT: Where do you work?

21 PROSPECTIVE JUROR NO. 496: Valley Hospital.

22 THE COURT: Okay. Did you check with Human
23 Resources to determine whether you would be paid or not?

24 PROSPECTIVE JUROR NO. 496: I have not, no.

25 THE COURT: Okay. When we take a break, why don't

1 you call your Human Resources.

2 PROSPECTIVE JUROR NO. 496: Okay.

3 THE COURT: Because it's my experience that a lot of
4 employers actually pay you.

5 PROSPECTIVE JUROR NO. 496: Oh, that would be
6 awesome.

7 THE COURT: Uh-huh.

8 PROSPECTIVE JUROR NO. 496: Okay.

9 THE COURT: So thank you.

10 PROSPECTIVE JUROR NO. 496: Cool.

11 THE COURT: Thank you for being here.

12 THE MARSHAL: Anybody else in the front here?

13 PROSPECTIVE JUROR NO. 506: Sophie Champion, Badge
14 number 506. I'm a tipped employee, a server. So if this were
15 to go into next week, I would be missing out on hundreds of
16 dollars that I do need to pay my bills.

17 THE COURT: Okay. And are you scheduled to work
18 this week and into next week?

19 PROSPECTIVE JUROR NO. 506: Yes. My days off are
20 consistent, they're always Wednesday, Thursdays, and I work
21 the other five days of the week consistently.

22 THE COURT: Okay. Would you be able to pay your
23 bills if you were asked to be here?

24 PROSPECTIVE JUROR NO. 506: I would have a very
25 difficult time, seeing as February is a shorter month, so less

1 days at work.

2 THE COURT: Okay, thank you.

3 PROSPECTIVE JUROR NO. 509: Luis Ovalles, Badge 509.
4 I'm not sure if this would affect, but I'm an Air Force
5 reservist, and I start my first drill weekend the 23rd and the
6 24th, with a schedule to report time actually of the 22nd. So
7 I'm not sure if that would cut into the time required for the
8 case.

9 THE COURT: So February 22nd, you have to report?

10 PROSPECTIVE JUROR NO. 509: Yes.

11 THE COURT: Where do you report to?

12 PROSPECTIVE JUROR NO. 509: To March Air Force Base,
13 which is in Riverside, California.

14 THE COURT: Okay. Okay, thank you.

15 PROSPECTIVE JUROR NO. 509: You're welcome, Your
16 Honor.

17 PROSPECTIVE JUROR NO. 490: Caesar Castro, 490. I
18 just have a question. Is there a chance this trial goes
19 beyond next week?

20 THE COURT: No, we'll be done next week.

21 PROSPECTIVE JUROR NO. 409: Okay.

22 THE COURT: Okay?

23 PROSPECTIVE JUROR NO. 485: Hi. Shannon Young, 485.
24 I am up for a promotion at my job, and right now, I'm in job
25 training. So if it goes into like next week and stuff like

1 that, like, I'm trying to make an impression so that I can get
2 this position. It's more money for me and my family.

3 THE COURT: Okay. Thank you, Ms. Young.

4 PROSPECTIVE JUROR NO. 485: Thank you.

5 THE COURT: Thank you for being here.

6 THE MARSHAL: Anybody else in this area?

7 THE COURT: Okay, first row over here on the left,
8 anyone? Anyone over here on the left that wishes to address
9 the Court?

10 PROSPECTIVE JUROR NO. 513: Michael Laurie, 513.

11 THE COURT: I'm sorry?

12 PROSPECTIVE JUROR NO. 513: Michael Laurie, 513.

13 THE COURT: 513?

14 PROSPECTIVE JUROR NO. 513: Um-hum.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 513: I'm from Mesquite,
17 Nevada, and it was very difficult for me to get here today. I
18 had to borrow a car from a friend. If I was to return, I
19 would most likely have to take the airport shuttle and figure
20 out a bus route from the airport over to this courthouse.

21 THE COURT: Okay. Would you be able to get here?
22 Would you have transportation to get here?

23 PROSPECTIVE JUROR NO. 513: I'd have to get up
24 probably at 4:00 o'clock in the morning every day. I think
25 the shuttle leaves about 5:30.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 513: Depending -- I don't

3 know when the court -- when court starts, or.

4 THE COURT: Yeah. We don't start that early, but

5 it's either --

6 PROSPECTIVE JUROR NO. 513: Not -- well --

7 THE COURT: -- 8:30 or 10:30 in the morning.

8 PROSPECTIVE JUROR NO. 513: Yeah, it takes an

9 hour-and-a-half to get to Las Vegas from there.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 513: They make several stops.

12 THE COURT: If you were asked to serve, would you be

13 able to make arrangements to be here?

14 PROSPECTIVE JUROR NO. 513: Would I be able -- I'd

15 be able to make arrangements, yes. It would be very difficult

16 though.

17 THE COURT: Okay. Thank you, sir.

18 PROSPECTIVE JUROR NO. 513: Uh-huh.

19 THE MARSHAL: Anybody else in the front row?

20 PROSPECTIVE JUROR NO. 541: Kevin Widdison, 541.

21 I'm slotted to be up in Salt Lake doing training Tuesday

22 through Friday of next week with people flying in from around

23 the country. So if I'm not there, they're flying in for

24 nothing.

25 THE COURT: Okay, so this is work-related?

1 PROSPECTIVE JUROR NO. 541: Yes, it is, ma'am.
2 Completely.

3 THE COURT: And you've had your jury summons for
4 quite some time, correct?

5 PROSPECTIVE JUROR NO. 541: Yes, we have. It's been
6 on the calendar since October for that, but I didn't know this
7 would go into next week.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 541: I just -- I hadn't
10 thought about that.

11 THE COURT: All right. If you're not there, I mean,
12 what would happen? I mean, they could not get on the plane if
13 they knew beforehand.

14 PROSPECTIVE JUROR NO. 541: We would have to try to
15 reschedule it, but yeah.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 541: It's just a work --
18 yeah.

19 THE COURT: Okay, thank you.

20 PROSPECTIVE JUROR NO. 541: Um-hum.

21 THE MARSHAL: Next row?

22 PROSPECTIVE JUROR NO. 554: Roberta Bell, Badge
23 number 554. I have airplane tickets next Friday to go to Salt
24 Lake to take my granddaughter to a gymnastics competition.

25 THE COURT: Okay. I believe we would be done --

1 PROSPECTIVE JUROR NO. 554: Think we would be done?
2 THE COURT: -- but thank you for letting me know
3 that.
4 PROSPECTIVE JUROR NO. 554: Okay.
5 THE COURT: Uh-huh.
6 THE MARSHAL: Anybody else in that middle row? In
7 the back row? Right behind you, please.
8 PROSPECTIVE JUROR NO. 564: Selene Moreno, Badge
9 number 0564. I work late nights at a casino. I'm off at 4:00
10 or 5:00 in the morning, so I'll probably be here with like one
11 hour of sleep.
12 THE COURT: Okay, say that again. I heard -- you
13 work on a casino?
14 PROSPECTIVE JUROR NO. 564: In a casino, yeah.
15 THE COURT: Okay.
16 PROSPECTIVE JUROR NO. 564: And I'm off at 4:00 or
17 5:00 in the morning, so --
18 THE COURT: What is your shift?
19 PROSPECTIVE JUROR NO. 564: It's swing shift, so it
20 will be 8:00 to 4:00 in the morning, or 9:00 to 5:00.
21 THE COURT: Okay, so 8:00 o'clock at night until
22 4:00 in the morning?
23 PROSPECTIVE JUROR NO. 564: Yeah, correct.
24 THE COURT: Okay. We do have a 24-hour town, and I
25 tell this to jurors if they are selected to serve: that I

1 would ask you obviously not to work that shift, because I
2 can't have jurors that work all night and then come in here;
3 you'd be too sleepy. Do you understand that?

4 PROSPECTIVE JUROR NO. 564: Right, so I would have
5 to take off the whole week?

6 THE COURT: Yes.

7 PROSPECTIVE JUROR NO. 564: And the next week?

8 THE COURT: Well, you would have to take off in
9 order for you to be here during the day.

10 PROSPECTIVE JUROR NO. 564: But I work on tips. I'm
11 not sure how I'm going to make any money.

12 THE COURT: I'm sorry, you what?

13 PROSPECTIVE JUROR NO. 564: I work on tips.

14 THE COURT: Okay. What do you do?

15 PROSPECTIVE JUROR NO. 564: Cocktail waitress.

16 THE COURT: Okay. Where do you work?

17 PROSPECTIVE JUROR NO. 564: The Cromwell Casino.

18 THE COURT: If you were asked to be here, how would
19 that affect you financially?

20 PROSPECTIVE JUROR NO. 564: That's the only money I
21 make, basically, off of tips.

22 THE COURT: Okay. Would you be able to pay your
23 bills?

24 PROSPECTIVE JUROR NO. 564: No.

25 THE COURT: Okay, thank you.

1 THE MARSHAL: Anybody else back there?

2 PROSPECTIVE JUROR NO. 583: Joseph Campling, Badge

3 number 0583. I have airline tickets already scheduled for

4 this Sunday the 16th and for the week to Florida to visit my

5 mom. I don't know if that's, you know --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 583: -- a problem.

8 THE COURT: You have plane tickets for this Sunday?

9 PROSPECTIVE JUROR NO. 583: Yes.

10 THE COURT: And it's a vacation?

11 PROSPECTIVE JUROR NO. 583: To visit my mom. Kind

12 of. It depends on what you think --

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 583: -- a vacation is.

15 THE COURT: Thank you.

16 PROSPECTIVE JUROR NO. 583: Thanks.

17 THE MARSHAL: Anybody on this side? Can you pass it

18 down, please?

19 PROSPECTIVE JUROR NO. 596: Drew McCarthy, 596. I

20 work the rest of this week, and into the beginning of next

21 week, and I would not be able to pay my bills.

22 THE COURT: Okay. What do you do?

23 PROSPECTIVE JUROR NO. 596: A detailer at Fabulous

24 Freddy's, so tips pay.

25 THE COURT: Okay. And if you were requested to be

1 here through next week, that would make it obviously --

2 PROSPECTIVE JUROR NO. 596: Yeah, difficult to pay.

3 THE COURT: -- not very easy to pay your bills?

4 PROSPECTIVE JUROR NO. 596: Correct, yeah.

5 THE COURT: Okay, thank you, sir. Thank you for
6 being here.

7 THE MARSHAL: Next in that row?

8 PROSPECTIVE JUROR NO. 597: Thank you. 597. My
9 name is Priscilla Schonacher. I actually am -- homeschool my
10 daughter full-time, she's in second grade, and I have tickets
11 to leave to Houston on Thursday.

12 THE COURT: I'm sorry, what to Houston on Thursday?

13 PROSPECTIVE JUROR NO. 597: I have airplane tickets
14 to leave to Houston on Thursday.

15 THE COURT: For?

16 PROSPECTIVE JUROR NO. 597: Two things. I have work
17 there, and also, to have my daughter visit her grandma who has
18 pancreatic cancer that had surgery about four weeks ago.

19 THE COURT: Okay, thank you.

20 PROSPECTIVE JUROR NO. 597: Thank you.

21 THE COURT: Thank you for being here.

22 THE MARSHAL: Anybody else in this front row here?
23 Can you just hand it behind you, please?

24 PROSPECTIVE JUROR NO. 610: Hi. My name is Maria
25 Preciado. My badge number is 610. And the two reason is

1 that, I'm a citizen, but I'm born in Mexico, so my primary
2 language is Spanish. And I don't know if I will be able to
3 understand 100 percent English here --

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 610: -- to be able.

6 THE COURT: And how long have you been in the US?
7 How long have you been in the US?

8 PROSPECTIVE JUROR NO. 610: 28 years, something like
9 that.

10 THE COURT: 28 years?

11 PROSPECTIVE JUROR NO. 610: Yeah.

12 THE COURT: Do you work?

13 PROSPECTIVE JUROR NO. 610: So I understand pretty
14 good, but I don't know --

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 610: -- if any decision
17 here --

18 THE COURT: All right.

19 PROSPECTIVE JUROR NO. 610: And --

20 THE COURT: If at any time, if there's something
21 that you don't understand, I just ask that you raise your hand
22 so that you can let me know that, and we will clarify for you.

23 PROSPECTIVE JUROR NO. 610: Okay.

24 THE COURT: Okay?

25 PROSPECTIVE JUROR NO. 610: The other reason is, I

1 work in casino, and I don't know how it works there about
2 getting paid or getting points.

3 THE COURT: Okay, thank you.

4 PROSPECTIVE JUROR NO. 610: Uh-huh.

5 THE COURT: Thank you for being here. Anyone else
6 that wishes to address the Court?

7 PROSPECTIVE JUROR NO. 426: Badge number 426.

8 Talking this English is a little problem. Your talkings, not
9 understand.

10 THE COURT: Okay. You can't understand me?

11 PROSPECTIVE JUROR NO. 426: Yeah, your talkings, I
12 no understand.

13 THE COURT: Okay. Are you a US citizen?

14 PROSPECTIVE JUROR NO. 426: Yes.

15 THE COURT: How long have you lived in the United
16 States?

17 PROSPECTIVE JUROR NO. 426: Almost 20 years.

18 THE COURT: Do you work here?

19 PROSPECTIVE JUROR NO. 426: As an Uber driver.

20 THE COURT: I'm sorry?

21 PROSPECTIVE JUROR NO. 426: I'm a driver.

22 THE COURT: Okay, thank you. Anyone else that
23 wishes to address the Court? Okay, the record will reflect no
24 further response from the panel.

25 Are there any of you who believe that for any other

1 reason, you would be unable to serve as a juror in this
2 particular case? Okay, there's someone back there. If you
3 don't mind standing up, sir.

4 PROSPECTIVE JUROR NO. 580: Joe Price, 580.

5 THE COURT: Go ahead, Mr. Price.

6 PROSPECTIVE JUROR NO. 580: Back -- sometime back, I
7 ran a Home Depot in Houston, Texas. And when we went to open
8 the store in the morning, we were held by gunpoint and robbed.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 580: And I had to open a
11 safe.

12 THE COURT: All right. And so, I mean, I'm sorry
13 you have to tell us about that. How long ago was that?

14 PROSPECTIVE JUROR NO. 580: It's been maybe ten
15 years.

16 THE COURT: Okay, and I'm assuming you called the
17 police?

18 PROSPECTIVE JUROR NO. 580: Oh, yeah.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 580: Yeah.

21 THE COURT: Right, and they responded?

22 PROSPECTIVE JUROR NO. 580: Yep. Everything --
23 everything went all right, but --

24 THE COURT: Okay. And did they catch the person who
25 did it?

1 PROSPECTIVE JUROR NO. 580: No.

2 THE COURT: Okay, they never caught the person?

3 PROSPECTIVE JUROR NO. 580: No.

4 THE COURT: Okay. Anything about that that would
5 affect your ability to be fair and impartial in this case?

6 PROSPECTIVE JUROR NO. 580: Probably not.

7 THE COURT: Okay. Thank you, sir.

8 PROSPECTIVE JUROR NO. 580: Just -- just stating it.

9 THE COURT: Again, I'm sorry you had to tell us
10 that. Anyone else?

11 PROSPECTIVE JUROR NO. 432: Austin Pan, 432. I
12 think I might be biased, because I own a business, and my
13 restaurant -- my restaurant has been broken into a few times.
14 So I might not have a good impression of people breaking in or
15 robberies.

16 THE COURT: Okay, but do you believe what happened
17 to you has anything to do with the parties that are here
18 today?

19 PROSPECTIVE JUROR NO. 432: I think I might be
20 somewhat biased, because I'm kind of mad because of --

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 432: -- constantly, you know,
23 people breaking into my store.

24 THE COURT: Okay. So who are you going to be unfair
25 to?

1 PROSPECTIVE JUROR NO. 432: The -- these -- the
2 accused party.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 432: Yeah.

5 THE COURT: Because of what happened to you, you
6 can't give these gentlemen a fair trial?

7 PROSPECTIVE JUROR NO. 432: I believe so.

8 THE COURT: Okay, thank you. Anyone else? Okay,
9 the record will reflect no further response from the panel.

10 Is there anyone on this panel who's ever been
11 engaged in law enforcement work, or have a spouse or close
12 relative who has ever been engaged in law enforcement work?

13 PROSPECTIVE JUROR NO. 474: Dennis Rorabaugh, 474.

14 THE COURT: Go ahead.

15 PROSPECTIVE JUROR NO. 474: I've been a former law
16 enforcement officer in Las Vegas.

17 THE COURT: What does that mean? Who did you --
18 where did you work?

19 PROSPECTIVE JUROR NO. 474: I worked for Metro.

20 THE COURT: Okay, and when did you work for Metro?

21 PROSPECTIVE JUROR NO. 474: Around 2010.

22 THE COURT: Around 2010?

23 PROSPECTIVE JUROR NO. 474: Yes, ma'am. It was
24 about for a year.

25 THE COURT: Okay, and you were a police officer?

1 PROSPECTIVE JUROR NO. 474: Technically, yes. I was
2 a jail guard, ma'am.

3 THE COURT: Okay. Anything about your former
4 employment that would affect your ability to be fair and
5 impartial?

6 PROSPECTIVE JUROR NO. 474: In particular, no, but
7 possibly.

8 THE COURT: Okay. And what do you currently do for
9 a living?

10 PROSPECTIVE JUROR NO. 474: Currently, I run a
11 couple of internet businesses, sales businesses.

12 THE COURT: Okay, thank you, sir. Thank you for
13 being here. You can have a seat. Anyone else?

14 PROSPECTIVE JUROR NO. 464: 464, Jeff O'Brien.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 464: I have a former
17 father-in-law who's law enforcement, and have two other family
18 members that are police officers in a different state.

19 THE COURT: Okay. Anything about their employment
20 that would affect your ability to be fair and impartial in
21 this case?

22 PROSPECTIVE JUROR NO. 464: Not in particular.

23 THE COURT: Okay, thank you.

24 PROSPECTIVE JUROR NO. 464: All right.

25 THE COURT: Anyone else?

1 THE MARSHAL: Can you just pass it down to the top
2 row up here (indiscernible)?

3 PROSPECTIVE JUROR NO. 019: Barbara Bruer, 019. My
4 brother was a Federal Marshal and a policeman for Irving,
5 Texas for 20 years.

6 THE COURT: Okay. Any --

7 PROSPECTIVE JUROR NO. 019: But he passed away in
8 2007.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 019: And I don't think it
11 would affect anything.

12 THE COURT: So is there anything about his former
13 employment that would affect your ability to be fair and
14 impartial in this case?

15 PROSPECTIVE JUROR NO. 019: No.

16 THE COURT: Thank you. Thank you for letting us
17 know that.

18 THE MARSHAL: Anybody in the top row? Middle row?
19 In the front? Can you pass it forward, please?

20 THE COURT: We have a juror down here in front.

21 PROSPECTIVE JUROR NO. 485: Shannon Young, 485. I
22 have a brother-in-law in law enforcement, in a different state
23 though. And no, it wouldn't affect me.

24 THE COURT: Okay, thank you.

25 THE MARSHAL: Anybody in the back row right here?

1 On this side?

2 THE COURT: Anyone else that wishes to address the
3 Court?

4 PROSPECTIVE JUROR NO. 464: Yes.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 464: Yeah, I didn't get to
7 finish. I didn't divulge --

8 THE COURT: Your name and badge number?

9 PROSPECTIVE JUROR NO. 464: I apologize. I also
10 have --

11 THE COURT: Your name and badge number?

12 PROSPECTIVE JUROR NO. 464: I'm sorry. 464, Jeff
13 O'Brien.

14 THE COURT: Thank you.

15 PROSPECTIVE JUROR NO. 464: I also am a gunsmith by
16 trade, so --

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 464: -- I work on several of
19 the officers here in town's firearms. I know several of the
20 Metro officers here in town and some in North Las Vegas. I
21 just wanted to make sure --

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 464: -- I let you know.

24 THE COURT: I appreciate you letting me know that.
25 Is there anything about that that would affect your ability to

1 be fair and impartial?

2 PROSPECTIVE JUROR NO. 464: Not that I'm aware of,
3 no.

4 THE COURT: Okay. Thank you, sir. Anyone else?
5 Okay, the record will reflect no further response from the
6 panel.

7 Is there anyone who may not be able to follow all
8 the instructions of the Court on the law, even if the
9 instructions differed from your personal conceptions of what
10 the law ought to be? Anyone who can't follow the law as given
11 to you by the Court? The record will reflect no further
12 response from the panel.

13 As a follow up to the previous question, in any
14 criminal trial, the members of the jury sitting collectively
15 are the judges of the question of fact in this case. As the
16 judge in the case, I am the judge of the questions of law, and
17 it's my responsibility to give instructions on the law that
18 apply to this particular case. It would be a violation of a
19 juror's duty if he or she tried to render a judgment based
20 upon what he or she believed the law to be, if that differed
21 from my instructions.

22 With that in mind, is there anyone who feels that
23 they cannot be fact-finders and follow my instructions on the
24 applicable law in this case? Okay, the -- I'm sorry.

25 THE MARSHAL: Hang on, there's one on the top. Can

1 you pass that down, please?

2 PROSPECTIVE JUROR NO. 403: Samantha Levine, 403.
3 About seven months ago, I had a concussion, and I've had a
4 hard time concentrating and comprehending ever since. It's
5 gotten a lot better, but there are some times where I might
6 hear someone say something, and it might not fully sink in.
7 So I just wanted to make that, like, aware.

8 THE COURT: Okay, thank you. Okay. Anyone that
9 wants to respond to the question that's pending? Okay, the
10 record will reflect no response from the panel.

11 Under our system of government, there are certain
12 principles of law that apply in every criminal trial. They
13 are that the Information or Indictment filed in this case is a
14 mere accusation and is not evidence of guilt; that as the
15 defendants sit here today, they are presumed innocent, and the
16 State therefore must prove that each defendant is guilty by
17 proof beyond a reasonable doubt. Does anyone not understand
18 or believe in these basic precepts of American justice?

19 Will you just state your name and badge number?

20 PROSPECTIVE JUROR NO. 586: Valerie Musial, 586. I
21 mentioned earlier --

22 THE COURT: Okay, other than what you've --

23 PROSPECTIVE JUROR NO. 586: Yeah.

24 THE COURT: -- already told the Court?

25 PROSPECTIVE JUROR NO. 586: Yeah, I don't believe I

1 can come to a partial decision. I believe I would have bias
2 going into it.

3 THE COURT: Okay, thank you. Anyone else? The
4 record will reflect no further response from the panel.

5 Does anybody know anything about this case, other
6 than what has been stated in the courtroom here today? Okay,
7 the record will reflect no -- I'm sorry, sir, did you want to
8 address the Court?

9 PROSPECTIVE JUROR NO. 513: Other than the news?

10 THE COURT: Well, do you know anything about this
11 case, other than what's been stated in the courtroom today?

12 PROSPECTIVE JUROR NO. 513: I --

13 THE COURT: Your name and badge number?

14 PROSPECTIVE JUROR NO. 513: Michael, 513.

15 THE COURT: I'm sorry, say it again.

16 PROSPECTIVE JUROR NO. 513: Michael, 513.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 513: I've made an assumption
19 that I pretty much know what this case is about, yeah.

20 THE COURT: I'm sorry. Will you state your name and
21 badge number again?

22 PROSPECTIVE JUROR NO. 513: Michael, 513.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 513: Michael Laurie.

25 THE COURT: Okay, thank you.

1 PROSPECTIVE JUROR NO. 513: Uh-huh.

2 THE COURT: All right. So you believe that you saw
3 something on the news?

4 PROSPECTIVE JUROR NO. 513: Yes.

5 THE COURT: Okay. You understand that if you were
6 selected to be a juror, you would be required to judge this
7 case solely upon what you see and hear in the courtroom; do
8 you understand that?

9 PROSPECTIVE JUROR NO. 513: Correct.

10 THE COURT: Okay. It doesn't disqualify you because
11 you've seen something in the news. I just have to have your
12 commitment that you would set aside anything you see in the
13 news, and judge this case based on the evidence that you see
14 and hear in the courtroom and the instructions on the law as
15 given to you by the Court. Do you understand that?

16 PROSPECTIVE JUROR NO. 513: Yes.

17 THE COURT: Are you a person that can do that?

18 PROSPECTIVE JUROR NO. 513: Yes.

19 THE COURT: Okay, thank you, sir. Thank you for
20 being here. Anyone else that wishes to address the Court?

21 Okay. At this time, I'm going to ask the lawyers to
22 meet me out in the hallway because it will be easier if you
23 guys stay in here. We'll be a few minutes, and then we'll
24 come back in, and the Clerk will call the first 32 names.

25 (Off-record sidebar)

1 THE COURT: Does the State and the defense stipulate
2 to the presence of the panel?

3 MR. PESCI: Yes, Your Honor.

4 MR. SANFT: Yes, Your Honor.

5 MR. RUGGEROLI: Yes, Your Honor.

6 THE COURT: Okay. At this time, the Clerk's going
7 to call the first 32 names. When your name is called, if
8 you'll please take your seat in the jury box. Some of you
9 will just be sitting in the same seats you're in, or you may
10 need to move down a little bit.

11 THE CLERK: Juror 1, Barbara Bruer.

12 THE COURT: Ms. Bruer, you'll be Juror number 1.
13 And then, Ms. Ana Carias, and Ms. Samantha Levine, and Mr.
14 Lee, if you three don't mind stepping out of the box, and you
15 can take a seat. Hawkes, you're going to have to direct them
16 where they can sit until --

17 THE MARSHAL: Yes, ma'am, I got it.

18 THE COURT: -- we have more seats.

19 THE CLERK: Juror 2 is going to be Vito Casucci, so
20 you're going to scoot over to the second seat. Barbara Bruer,
21 you're still in Seat 1.

22 THE MARSHAL: You're Seat number 1, ma'am.

23 PROSPECTIVE JUROR NO. 019: So I go back over here?

24 THE COURT: Yeah.

25 THE MARSHAL: Yeah, stay in Seat number 1, ma'am.

1 THE COURT: Sorry. Sorry, let's just slow down a
2 little bit. Ms. Bruer, you'll be Juror number 1. Again, most
3 of you will just move down. If I ask you to step down out of
4 the box, you can just take a seat in the gallery wherever
5 there's an open seat.

6 THE CLERK: Juror 2, Vito Casucci. Juror 3, Sean
7 McGinty.

8 THE COURT: So you'll just scoot down.

9 THE CLERK: Juror 4, Mary Newcome. Juror 5, William
10 Bryan. Juror 6, Christopher Devargas. Juror 7, Celeste
11 Hernandez.

12 THE COURT: And Mr. Pan, I'll ask you to step down
13 out of the box.

14 THE CLERK: Juror 8, Sylvia Amoroso. You're going
15 to go up to the back row, next in line.

16 THE COURT: Okay. And then, Mr. Gamboa, if you
17 don't mind stepping out of the box.

18 THE CLERK: Juror 9, Shannon Graham. You're going
19 to also go up next in line. Juror 10, Suzanne Quinn. Juror
20 11, Camille Estrella. You're going to go up to the back row.
21 Juror 12, Jeffory O'Brien. You're going to scoot all the way
22 down. Juror 13, Alexis Newell.

23 THE COURT: Mr. Rorabaugh, if you don't mind
24 stepping down out of the box.

25 PROSPECTIVE JUROR NO. 474: Yes, ma'am.

1 THE CLERK: Juror 14, Danilo Rodriguez. Juror 15 is
2 going to be Cavan Bandics. Juror 16, Jonathan Salazar. Juror
3 17, Lisa Cook. Juror 18, Shannon Young. Juror 19, Markdelan
4 Deperio. Juror 20, Caesar Castro.

5 THE COURT: Ms. Gallardo, if you don't mind stepping
6 out of the box.

7 THE CLERK: Juror 21, Angela Segura. You're going
8 to scoot all the way down on the first row.

9 THE COURT: And Ms. Champion, if you don't mind
10 stepping out of the box, and Mr. Ovalles.

11 THE CLERK: Oh, I'm sorry. You're going to move all
12 the way -- Ms. Segura, you're -- yep, that side.

13 THE COURT: Okay, and Mr. Ovalles, you can step out
14 of the box.

15 THE CLERK: Juror 22, Michael Laurie. Juror 23 is
16 going to be Maria Moreno. Juror 24, Magdalena Perez-Haywood.
17 Juror 25 is Jennifer Mendoza. Juror 26, Dawn Nerdin. Juror
18 27, Staci McCarthy. Juror 28, Kevin Widdison. Juror 29, John
19 Kubota. Juror 30, Roberta Bell. Juror 31 is going to be in
20 this first row on the left, and that's going to be Andrew
21 Delgadillo. Juror 32, Colin Randall.

22 THE MARSHAL: No, all the way to the end, sir,
23 please.

24 THE COURT: Right. And then, now there's open
25 seats. You all can go ahead and have a seat.

1 Juror number 1, Ms. Bruer, can you tell me how long
2 you've lived in Clark County?

3 PROSPECTIVE JUROR NO. 019: Since 2010, so ten
4 years.

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

6 PROSPECTIVE JUROR NO. 019: I don't do anything.

7 THE COURT: I'm sorry?

8 PROSPECTIVE JUROR NO. 019: I don't do anything.
9 I'm retired.

10 THE COURT: Okay, and how long have you been
11 retired?

12 PROSPECTIVE JUROR NO. 019: Three years this time.

13 THE COURT: What did you do before you retired?

14 PROSPECTIVE JUROR NO. 019: A little bit of
15 everything. I owned a pharmaceutical mail order -- no. The
16 last job, I worked at a pharmaceutical mail order company.

17 THE COURT: Okay. And your education background?

18 PROSPECTIVE JUROR NO. 019: A bachelor's degree in
19 business.

20 THE COURT: Your marital status?

21 PROSPECTIVE JUROR NO. 019: Divorced.

22 THE COURT: Do you have any kids?

23 PROSPECTIVE JUROR NO. 019: One adult son, and he
24 lives in San Antonio. He's in the Air Force, married, with
25 one child.

1 THE COURT: He's in the Air Force?
2 PROSPECTIVE JUROR NO. 019: Yes.
3 THE COURT: Okay. Do you know of any reason why you
4 could not be a fair and impartial juror --
5 PROSPECTIVE JUROR NO. 019: No.
6 THE COURT: -- if you were selected to serve on this
7 panel?
8 PROSPECTIVE JUROR NO. 019: No.
9 THE COURT: Thank you. Thank you for being here.
10 Mr. Vito -- is it Casucci?
11 PROSPECTIVE JUROR NO. 409: Casucci.
12 THE COURT: Okay. How long have you lived in Clark
13 County?
14 PROSPECTIVE JUROR NO. 409: Approximately 15 years.
15 THE COURT: And your education background?
16 PROSPECTIVE JUROR NO. 409: High school graduate.
17 THE COURT: And what do you do for a living?
18 PROSPECTIVE JUROR NO. 409: I run the poker room at
19 the Golden Nugget Casino.
20 THE COURT: Your marital status?
21 PROSPECTIVE JUROR NO. 409: I'm married for 30
22 years.
23 THE COURT: Okay. Is your spouse employed?
24 PROSPECTIVE JUROR NO. 409: She is.
25 THE COURT: What does she do?

1 PROSPECTIVE JUROR NO. 409: She's a compliance
2 director at Barclays -- Barclay Bank.

3 THE COURT: Do you have any children?

4 PROSPECTIVE JUROR NO. 409: I have two children;
5 27-year-old daughter, 24-year-old son.

6 THE COURT: Okay. Are they employed?

7 PROSPECTIVE JUROR NO. 409: They are employed. They
8 don't live in this state anymore, but they -- yes.

9 THE COURT: All right. What does each do for a
10 living?

11 PROSPECTIVE JUROR NO. 409: My daughter works for
12 AT&T. My son manages a bar in Reno, Nevada.

13 THE COURT: Do you know of any reason why you could
14 not be a fair and impartial juror if you were selected to
15 serve on this panel?

16 PROSPECTIVE JUROR NO. 409: No, ma'am.

17 THE COURT: Thank you, sir. Thank you very much for
18 being here.

19 Sean McGinty, how long have you lived in Clark
20 County?

21 PROSPECTIVE JUROR NO. 410: Just over a year.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 410: Would you like me to
24 stand up?

25 THE COURT: You can sit down, that's fine. And you

1 moved from Texas?

2 PROSPECTIVE JUROR NO. 410: Correct.

3 THE COURT: Okay. And your education background?

4 PROSPECTIVE JUROR NO. 410: High school.

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

6 PROSPECTIVE JUROR NO. 410: I'm CEO and owner of

7 four different companies.

8 THE COURT: You're a CEO of four different

9 companies?

10 PROSPECTIVE JUROR NO. 410: I run four companies.

11 Yes, ma'am.

12 THE COURT: Okay. What kind of companies?

13 PROSPECTIVE JUROR NO. 410: I've got -- one's a

14 marketing and experiential production company, another one is

15 synthetic grass, another one is bus and shuttle services, and

16 another one is in the people moving business, so.

17 THE COURT: Is what, the last one?

18 PROSPECTIVE JUROR NO. 410: People. We move people

19 around, so.

20 THE COURT: People moving business?

21 PROSPECTIVE JUROR NO. 410: Ground transportation.

22 Correct, yeah.

23 THE COURT: Okay. Your marital status?

24 PROSPECTIVE JUROR NO. 410: Married.

25 THE COURT: Is your spouse employed?

1 PROSPECTIVE JUROR NO. 410: No.

2 THE COURT: Okay. Do you have kids?

3 PROSPECTIVE JUROR NO. 410: Two of my own, two boys,
4 and then four stepchildren.

5 THE COURT: Okay. Are any of them old enough to be
6 employed?

7 PROSPECTIVE JUROR NO. 410: All of them.

8 THE COURT: Can you just start at the top and tell
9 me what each does for a living?

10 PROSPECTIVE JUROR NO. 410: One runs a valet service
11 in Texas. Other is an engineer in the oil field. The other
12 is directional drilling in an oil field. One is a plumber.
13 And two -- I'm not sure what they do.

14 THE COURT: Okay. The last two, you're not sure?

15 PROSPECTIVE JUROR NO. 410: They -- you know,
16 they're doing -- they're just trying to find their way.
17 They're younger, so.

18 THE COURT: Okay, all right. Do you know of any
19 reason why you could not be a fair and impartial juror if you
20 were selected to serve on this panel?

21 PROSPECTIVE JUROR NO. 410: It's a tough question.
22 Fair? Yeah, I certainly would be fair, but the workload and
23 commitments on a daily basis, it would be distracting, to say
24 the least, so.

25 THE COURT: Okay, what would be distracting? Being

1 here?

2 PROSPECTIVE JUROR NO. 410: The obligations that I
3 have on a daily basis, so.

4 THE COURT: Okay. But if you were ordered to be
5 here, you would be here, correct?

6 PROSPECTIVE JUROR NO. 410: I would -- if you
7 ordered it, I'd be here.

8 THE COURT: And you would listen to the evidence?

9 PROSPECTIVE JUROR NO. 410: I would. I would be
10 frustrated, but I would be.

11 THE COURT: All right, thank you, sir. I do
12 appreciate your willingness to be here.

13 Ms. Newcome?

14 PROSPECTIVE JUROR NO. 417: Hello.

15 THE COURT: How long have you lived in Clark County?

16 PROSPECTIVE JUROR NO. 417: Since 1961.

17 THE COURT: Your education background?

18 PROSPECTIVE JUROR NO. 417: High school.

19 THE COURT: Okay, and what do you do for a living?

20 PROSPECTIVE JUROR NO. 417: I'm a payroll manager
21 for Las Vegas Painting. Been there for -- since 1985.

22 THE COURT: Okay. Your marital status?

23 PROSPECTIVE JUROR NO. 417: I'm married.

24 THE COURT: Is your spouse employed?

25 PROSPECTIVE JUROR NO. 417: Yes.

1 THE COURT: What does your spouse do?
2 PROSPECTIVE JUROR NO. 417: He's an engineer.
3 THE COURT: Okay. Do you have children?
4 PROSPECTIVE JUROR NO. 417: I do, I have three.
5 THE COURT: Okay, are they old enough to be
6 employed?
7 PROSPECTIVE JUROR NO. 417: They certainly are.
8 THE COURT: Can you tell me what each does for a
9 living?
10 PROSPECTIVE JUROR NO. 417: My oldest daughter,
11 she's a real estate agent, does project management, and she
12 also -- they own -- her and her husband own kickboxing gyms.
13 THE COURT: Okay. I heard the first one, real
14 estate agent. And then, the next --
15 PROSPECTIVE JUROR NO. 417: They also own some
16 kickboxing gyms here in Las Vegas. Kickboxing.
17 THE COURT: Okay. And then --
18 PROSPECTIVE JUROR NO. 417: My son is the second one
19 down. He also works for the same company, and he is -- he
20 bugs the union for the company. He basically runs for the
21 underground division. And my younger daughter is a teacher.
22 THE COURT: Okay. Any reason why you could not be a
23 fair and impartial juror if you were selected to serve on this
24 panel?
25 PROSPECTIVE JUROR NO. 417: Absolutely not.

1 THE COURT: Thank you. Thank you very much for
2 being here.

3 William Bryan, Juror number 5?

4 PROSPECTIVE JUROR NO. 420: Yes.

5 THE COURT: Mr. Bryan, can you tell me how long
6 you've lived in Clark County?

7 PROSPECTIVE JUROR NO. 420: This next May will be
8 three years.

9 THE COURT: Okay. Your education background?

10 PROSPECTIVE JUROR NO. 420: I have a bachelor's
11 degree.

12 THE COURT: And what's your bachelor's degree in?

13 PROSPECTIVE JUROR NO. 420: Biology.

14 THE COURT: Okay. What do you do for a living?

15 PROSPECTIVE JUROR NO. 420: I'm an airline pilot.

16 THE COURT: Your marital status?

17 PROSPECTIVE JUROR NO. 420: Divorced.

18 THE COURT: Do you have kids?

19 PROSPECTIVE JUROR NO. 420: I do.

20 THE COURT: How many?

21 PROSPECTIVE JUROR NO. 420: Two.

22 THE COURT: Are either of them old enough to be
23 employed?

24 PROSPECTIVE JUROR NO. 420: Both.

25 THE COURT: Okay. Can you tell me what each does?

1 PROSPECTIVE JUROR NO. 420: My son works for a
2 currency trading firm in New York, and my daughter is
3 attending university in Tampa, Florida.

4 THE COURT: Do you know of any reason why you could
5 not be a fair and impartial juror if you were selected to
6 serve, Mr. Bryan?

7 PROSPECTIVE JUROR NO. 420: No, I don't.

8 THE COURT: Okay, thank you. Thank you very much
9 for being here. Mr. Devargas, good afternoon.

10 PROSPECTIVE JUROR NO. 429: Good afternoon.

11 THE COURT: How long have you lived in Clark County?

12 PROSPECTIVE JUROR NO. 429: My entire life. Born
13 and raised, minus four years I spent in the Army.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 429: So, 33 years.

16 THE COURT: Your education background?

17 PROSPECTIVE JUROR NO. 429: College. College
18 graduate.

19 THE COURT: I'm sorry, you have a --

20 PROSPECTIVE JUROR NO. 429: College graduate.

21 THE COURT: Okay, and what's your degree in?

22 PROSPECTIVE JUROR NO. 429: A photo journalist. So
23 photo journalism and commercial photography.

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

25 PROSPECTIVE JUROR NO. 429: Photo journalist for the

1 Las Vegas Sun.

2 THE COURT: Okay. Your marital status?

3 PROSPECTIVE JUROR NO. 429: Married.

4 THE COURT: Is your spouse employed?

5 PROSPECTIVE JUROR NO. 429: Yes.

6 THE COURT: What does your spouse do?

7 PROSPECTIVE JUROR NO. 429: She's an assistant

8 manager at Victoria's Secret.

9 THE COURT: Okay. Do you have children?

10 PROSPECTIVE JUROR NO. 429: No.

11 THE COURT: Do you know of any reason why you could

12 not be a fair and impartial juror if you were selected to

13 serve on this panel, sir?

14 PROSPECTIVE JUROR NO. 429: No.

15 THE COURT: Thank you. Thank you very much for

16 being here.

17 Celeste Hernandez?

18 PROSPECTIVE JUROR NO. 430: Yes.

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

20 County?

21 PROSPECTIVE JUROR NO. 430: For about 20 years.

22 THE COURT: Your education background?

23 PROSPECTIVE JUROR NO. 430: Associate's degree in

24 travel and tourism and event planning.

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

1 PROSPECTIVE JUROR NO. 430: I host at a high limit
2 lounge inside Cosmopolitan.

3 THE COURT: I'm sorry?

4 PROSPECTIVE JUROR NO. 430: Host at a high limit
5 lounge inside the Cosmopolitan.

6 THE COURT: Your marital status?

7 PROSPECTIVE JUROR NO. 430: Single.

8 THE COURT: Do you have kids?

9 PROSPECTIVE JUROR NO. 430: No.

10 THE COURT: Okay. Do you know of any reason why you
11 could not be a fair and impartial juror if you were selected
12 to serve on this panel?

13 PROSPECTIVE JUROR NO. 430: No.

14 THE COURT: Okay, thank you. Thank you very much
15 for your willingness to be here.

16 Ms. Sylvia Amoroso?

17 PROSPECTIVE JUROR NO. 437: Yes.

18 THE COURT: Okay. How long have you lived in Clark
19 County?

20 PROSPECTIVE JUROR NO. 437: Like, 20 years.

21 THE COURT: I'm sorry?

22 PROSPECTIVE JUROR NO. 437: 20 years.

23 THE COURT: Okay. Your education background?

24 PROSPECTIVE JUROR NO. 437: Like, first year in high
25 school only.

1 THE COURT: Okay. Are you employed?
2 PROSPECTIVE JUROR NO. 437: Yes.
3 THE COURT: What do you do?
4 PROSPECTIVE JUROR NO. 437: Busser. Bus person.
5 THE COURT: Okay. Your marital status?
6 PROSPECTIVE JUROR NO. 437: Widow.
7 THE COURT: Do you have kids?
8 PROSPECTIVE JUROR NO. 437: No.
9 THE COURT: Do you know of any reason why you could
10 not be a fair and impartial juror if you were selected to
11 serve?
12 PROSPECTIVE JUROR NO. 437: No.
13 THE COURT: Okay, thank you. Thank you very much
14 for being here.
15 Ms. Graham?
16 PROSPECTIVE JUROR NO. 451: Yes.
17 THE COURT: Okay, Juror number 9. How long have you
18 lived in Clark County?
19 PROSPECTIVE JUROR NO. 451: Since 2006.
20 THE COURT: And your education background?
21 PROSPECTIVE JUROR NO. 451: Master's in education.
22 THE COURT: Okay. And what do you do for a living?
23 PROSPECTIVE JUROR NO. 451: I'm an elementary school
24 teacher.
25 THE COURT: What grade do you teach?

1 PROSPECTIVE JUROR NO. 451: Fourth grade.
2 THE COURT: How long have you done that?
3 PROSPECTIVE JUROR NO. 451: 15 years, going on 16.
4 THE COURT: Okay. Your marital status?
5 PROSPECTIVE JUROR NO. 451: Married.
6 THE COURT: Is your spouse employed?
7 PROSPECTIVE JUROR NO. 451: Yes, he is.
8 THE COURT: What does he do?
9 PROSPECTIVE JUROR NO. 451: He is a warehouse
10 inventory manager for an HVAC company.
11 THE COURT: Do you have children?
12 PROSPECTIVE JUROR NO. 451: I do. I have a son in
13 college, studying biotech engineering.
14 THE COURT: Okay. Do you know of any reason why you
15 could not be a fair and impartial juror if you were selected
16 to serve?
17 PROSPECTIVE JUROR NO. 451: No, ma'am.
18 THE COURT: Thank you. Thank you very much for
19 being here.
20 Ms. Quinn?
21 PROSPECTIVE JUROR NO. 461: Yes.
22 THE COURT: How long have you lived in Clark County?
23 PROSPECTIVE JUROR NO. 461: Since 2001.
24 THE COURT: And what do you do for a living?
25 PROSPECTIVE JUROR NO. 461: I'm a corporate travel

1 agent.

2 THE COURT: And your education background?

3 PROSPECTIVE JUROR NO. 461: Just high school level.

4 THE COURT: Okay. And your marital status?

5 PROSPECTIVE JUROR NO. 461: Currently engaged.

6 THE COURT: Okay. Is your soon-to-be spouse

7 employed?

8 PROSPECTIVE JUROR NO. 461: Yes.

9 THE COURT: Can you tell us what your spouse does?

10 PROSPECTIVE JUROR NO. 461: Yes, he's a --

11 THE COURT: Soon-to-be spouse.

12 PROSPECTIVE JUROR NO. 461: He's an aircraft

13 mechanic.

14 THE COURT: Do you have children?

15 PROSPECTIVE JUROR NO. 461: No.

16 THE COURT: Do you know of any reason why you could

17 not be a fair and impartial juror if you were selected to

18 serve on this panel?

19 PROSPECTIVE JUROR NO. 461: No, ma'am.

20 THE COURT: Thank you, Ms. Quinn. Thank you for

21 being here.

22 Ms. Camille Estrella?

23 PROSPECTIVE JUROR NO. 462: Yes.

24 THE COURT: How long have you lived in Clark County?

25 PROSPECTIVE JUROR NO. 462: Since 2002.

1 THE COURT: Your education background?
2 PROSPECTIVE JUROR NO. 462: I am a college
3 undergrad.
4 THE COURT: Okay. You're in school right now?
5 PROSPECTIVE JUROR NO. 462: Yes, I'm currently
6 studying in the university for bachelor's of medical lab
7 scientist.
8 THE COURT: Okay. Where are you in school?
9 PROSPECTIVE JUROR NO. 462: CSN.
10 THE COURT: Okay. Are you employed?
11 PROSPECTIVE JUROR NO. 462: No.
12 THE COURT: Okay. Are you in school full-time right
13 now?
14 PROSPECTIVE JUROR NO. 462: Right now, no.
15 THE COURT: Okay. Would you be able to serve as a
16 juror and also make sure you get to class and do your work?
17 PROSPECTIVE JUROR NO. 462: Yes.
18 THE COURT: Okay, so it won't interfere in your
19 school?
20 PROSPECTIVE JUROR NO. 462: Yes.
21 THE COURT: It won't interfere, correct?
22 PROSPECTIVE JUROR NO. 462: No, it won't.
23 THE COURT: Okay. And are you currently employed?
24 PROSPECTIVE JUROR NO. 462: No.
25 THE COURT: All right. And your marital status?

1 PROSPECTIVE JUROR NO. 462: Single.

2 THE COURT: Do you have any kids?

3 PROSPECTIVE JUROR NO. 462: No.

4 THE COURT: Okay. Any reason why you could not be a
5 fair and impartial juror if you were selected to serve on this
6 panel?

7 PROSPECTIVE JUROR NO. 462: No.

8 THE COURT: Okay, thank you. Thank you very much
9 for being here.

10 At this time, we're going to take a recess. During
11 this recess, you're admonished not to talk or converse among
12 yourselves or with anyone else on any subject connected with
13 this trial, or read, watch, or listen to any report of or
14 commentary on the trial, or any person connected with this
15 trial, by any medium of information, including, without
16 limitation, newspapers, television, the internet, or radio, or
17 form or express any opinion on any subject connected with this
18 trial until the case is finally submitted to you.

19 Just one moment. Jeffrey Hall? Okay. Other than
20 Jeffrey Hall, you're all excused for a 15-minute recess.
21 Thank you.

22 THE MARSHAL: Thank you. All rise for the exiting
23 jury, please.

24 THE COURT: Mr. Hall, if you just don't mind
25 staying.

1 THE MARSHAL: Jurors.
2 (Outside the presence of the prospective jurors)
3 (Within the presence of Prospective Juror No. 600)
4 THE COURT: Okay, the record will reflect that the
5 panel is outside.
6 Mr. Hall, I want to thank you very much for being
7 here, and you are excused from your duty. You can take your
8 badge off. There's a -- is there a box out there for his
9 badge?
10 THE MARSHAL: Yes.
11 THE COURT: You can put your badge there. You don't
12 need to go back to Jury Services. You are excused.
13 PROSPECTIVE JUROR NO. 600: Thank you.
14 THE COURT: Thank you for your willingness to be
15 here.
16 THE MARSHAL: Thank you, Mr. Hall.
17 THE COURT: Thank you.
18 (Outside the presence of Prospective Juror No. 600)
19 (Court recessed at 3:06 P.M. until 3:20 P.M.)
20 (Outside the presence of the prospective jurors)
21 MR. PESCI: So we have to make one record.
22 THE COURT: We need to do something outside the
23 presence?
24 MR. PESCI: Yes.
25 MR. SANFT: Yes, Your Honor, if we could.

1 THE COURT: Okay.

2 THE MARSHAL: He's on the way, Your Honor.

3 THE COURT: Okay. Okay, the record will reflect
4 that the hearing is taking place outside the presence of the
5 jury panel.

6 MR. SANFT: Your Honor, while we were on break,
7 apparently, one of the prospective jurors, and this would be
8 Mr. Casucci, Juror number 2 --

9 MR. PESCI: Badge 409.

10 MR. SANFT: -- Badge 409, came to the door and I
11 think entered into the courtroom while myself, and Mr.
12 Ruggeroli, and -- you were here, right?

13 MR. PESCI: Yes, Judge. If I could jump in, Mike?

14 MR. SANFT: Yeah, of course.

15 MR. PESCI: So he didn't get inside the courtroom.
16 He got into the vestibule, the outer doors. Got into that
17 vestibule, did not get into the inner doors, had asked if he
18 could come in, and the Marshal had explained -- or the
19 corrections officer, I'm sorry, had explained he could not
20 come back in, to wait back outside, so he went back outside.
21 I saw it, so I just told defense counsel about it.

22 THE COURT: Okay.

23 MR. SANFT: I guess the concern is that the only
24 people that were in the courtroom at that particular point
25 were just the attorneys. My client was not present, Mr.

1 Ruggeroli's client was not present, and I know that we go to
2 great pains to make sure that we don't imply that these
3 individuals are in custody.

4 We just wanted to make a record with the Court, and
5 I don't know if there's anything we can do at this particular
6 point. I haven't spoken with Mr. Ruggeroli. I don't know if
7 it's something that we have to canvass the individual to see
8 what he saw. I just don't know at this particular point,
9 but --

10 THE COURT: But your clients were not in here,
11 correct?

12 MR. SANFT: They were not, no.

13 THE COURT: Okay. Anything, Mr. Ruggeroli?

14 MR. RUGGEROLI: I don't have any other observations
15 than that as well.

16 THE COURT: Okay. Anything else before we bring
17 them in?

18 MR. PESCI: Yes, please, Your Honor. Badge number
19 600, Jeffery Hall, we had a conversation in the hall --

20 THE COURT: Right.

21 MR. PESCI: -- outside.

22 THE COURT: Uh-huh.

23 MR. PESCI: His name's Hall. And as I understand
24 it, the Court had previously asked for his identification
25 information. I believe he was run as far as criminal history,

1 because he originally told us he had one felony from 1991 and
2 that he finished his parole in 2009, which is an
3 astronomically long --

4 THE COURT: Right.

5 MR. PESCI: -- amount of time to be -- I think your
6 Clerk told us that he has more felonies.

7 THE COURT: Right, right. And that's the gentleman
8 I excused right before the break.

9 MR. PESCI: Right.

10 THE COURT: But yeah, he had -- he -- he was not
11 eligible to serve.

12 MR. PESCI: Right. The statute changed, and so, for
13 certain people, restoration of rights happens. But I think,
14 based on what you're telling us, the additional felonies and
15 the fact that we don't know that he actually had his civil
16 rights restored, that he's not qualified.

17 THE COURT: Right.

18 MR. PESCI: Okay.

19 THE COURT: There were multiple, and so I don't even
20 know how I would do the analysis --

21 MR. PESCI: Right.

22 THE COURT: -- that you may have to go through in
23 the statute in order to determine whether someone could serve.

24 MR. PESCI: And the State has no objection. I would
25 ask for the defense to make a record.

1 THE COURT: And it -- and they were from another
2 state as well; Hawaii.

3 MR. SANFT: Yeah, Your Honor. And just on behalf of
4 Mr. Robertson, we did not have an objection to him being
5 excused at that particular point.

6 MR. RUGGEROLI: Submit it, Judge.

7 THE COURT: Okay, thank you.

8 MR. PESCI: Thank you, Your Honor.

9 (Pause in the proceedings)

10 MR. PESCI: So, Judge, you know, best-case scenario,
11 do we think we get to witnesses tomorrow afternoon?

12 THE COURT: Yeah, sure.

13 MR. PESCI: Okay.

14 (Pause in the proceedings)

15 THE MARSHAL: All rise for the entering jury,
16 please.

17 (Within the presence of the prospective jurors)

18 THE COURT: Does the State stipulate to the presence
19 of the panel?

20 MR. PESCI: Yes, Your Honor.

21 THE COURT: And the defense?

22 MR. SANFT: Yes, Your Honor.

23 MR. RUGGEROLI: Yes, Your Honor.

24 THE COURT: Thank you. Mr. O'Brien?

25 PROSPECTIVE JUROR NO. 464: Yes, Your Honor.

1 THE COURT: Good afternoon. How long have you lived
2 in Clark County?

3 PROSPECTIVE JUROR NO. 464: 21 years.

4 THE COURT: And your education background?

5 PROSPECTIVE JUROR NO. 464: I have a computer
6 science degree.

7 THE COURT: I think you told us earlier you're a
8 gunsmith, correct?

9 PROSPECTIVE JUROR NO. 464: Yes, by trade. At
10 present, I'm working a contract.

11 THE COURT: You're working --

12 PROSPECTIVE JUROR NO. 464: A contract, doing
13 electronics.

14 THE COURT: Okay. Your marital status?

15 PROSPECTIVE JUROR NO. 464: Married.

16 THE COURT: Is your spouse employed?

17 PROSPECTIVE JUROR NO. 464: She is a human resources
18 director.

19 THE COURT: Do you have any kids?

20 PROSPECTIVE JUROR NO. 464: Yes.

21 THE COURT: Okay, how many?

22 PROSPECTIVE JUROR NO. 464: One boy, one girl.

23 THE COURT: Are they old enough to be employed?

24 PROSPECTIVE JUROR NO. 464: Yes. My son is a sales
25 something for furniture.

1 THE COURT: Okay, and your other one?
2 PROSPECTIVE JUROR NO. 464: And my daughter, she
3 works at guest check-in.
4 THE COURT: At where?
5 PROSPECTIVE JUROR NO. 464: At the MGM.
6 THE COURT: I'm sorry.
7 PROSPECTIVE JUROR NO. 464: She's guest services at
8 MGM.
9 THE COURT: Thank you. Do you know of any reason
10 why you could not be a fair and impartial juror if you were
11 selected to serve on this panel?
12 PROSPECTIVE JUROR NO. 464: No.
13 THE COURT: Okay, thank you. Thank you very much
14 for your willingness to be here.
15 Alexis Newell?
16 PROSPECTIVE JUROR NO. 468: Yes.
17 THE COURT: Juror number 13. How long have you
18 lived in Clark County?
19 PROSPECTIVE JUROR NO. 468: 22 years.
20 THE COURT: Your education background?
21 PROSPECTIVE JUROR NO. 468: I'm undergrad at UNLV.
22 THE COURT: You're what at UNLV?
23 PROSPECTIVE JUROR NO. 468: An undergrad at UNLV.
24 THE COURT: Okay, and are you in school full-time?
25 PROSPECTIVE JUROR NO. 468: Yes.

1 THE COURT: What are you studying?
2 PROSPECTIVE JUROR NO. 468: Criminal justice.
3 THE COURT: Okay. And if you were asked to be here,
4 how would that affect your school schedule? Could you do
5 both?
6 PROSPECTIVE JUROR NO. 468: Yes, but I have an exam
7 tomorrow, so.
8 THE COURT: Okay. What time?
9 PROSPECTIVE JUROR NO. 468: 11:30 to 12:45.
10 THE COURT: Okay. We will be in session.
11 PROSPECTIVE JUROR NO. 468: Okay.
12 THE COURT: How will that affect you if you're not
13 able to take that exam tomorrow?
14 PROSPECTIVE JUROR NO. 468: I don't -- can I get it
15 excused if I have proof?
16 THE COURT: I could, yes.
17 PROSPECTIVE JUROR NO. 468: Okay, that would be fine
18 then.
19 THE COURT: Okay, and so you don't think that it
20 will affect your classes?
21 PROSPECTIVE JUROR NO. 468: No.
22 THE COURT: Okay. And are you employed?
23 PROSPECTIVE JUROR NO. 468: Yes.
24 THE COURT: What do you do?
25 PROSPECTIVE JUROR NO. 468: I'm cashier at Polo

1 Ralph Lauren.

2 THE COURT: Your marital status?

3 PROSPECTIVE JUROR NO. 468: Single.

4 THE COURT: Do you have any kids?

5 PROSPECTIVE JUROR NO. 468: No.

6 THE COURT: Do you know of any reason why you could
7 not be a fair and impartial juror if you were selected to
8 serve on this panel?

9 PROSPECTIVE JUROR NO. 468: No.

10 THE COURT: Thank you. Thank you very much for
11 being here.

12 Mr. Rodriguez?

13 PROSPECTIVE JUROR NO. 475: Yes, ma'am.

14 THE COURT: Good afternoon. How long have you lived
15 in Clark County?

16 PROSPECTIVE JUROR NO. 475: Since 2009.

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

18 PROSPECTIVE JUROR NO. 475: I'm retired.

19 THE COURT: What did you do before you retired?

20 PROSPECTIVE JUROR NO. 475: I retired from the Navy,
21 and then retired from Cox Communications.

22 THE COURT: Okay. Your education background?

23 PROSPECTIVE JUROR NO. 475: High school.

24 THE COURT: And your marital status?

25 PROSPECTIVE JUROR NO. 475: Married.

1 THE COURT: Is your spouse employed?
2 PROSPECTIVE JUROR NO. 475: She's on disability.
3 THE COURT: Okay.
4 PROSPECTIVE JUROR NO. 475: She has lupus and
5 cancer.
6 THE COURT: Do yo have any children?
7 PROSPECTIVE JUROR NO. 475: Grown-ups.
8 THE COURT: How many?
9 PROSPECTIVE JUROR NO. 475: Four.
10 THE COURT: Okay, and can you tell me what each
11 child does for a living?
12 PROSPECTIVE JUROR NO. 475: One is -- the oldest one
13 is a school counselor in Yakima, Washington. The second one
14 is customer care center in Wesley Financials. The third one
15 is a manager at a tech business office. And the last one is a
16 software engineer.
17 THE COURT: Okay. Do you know of any reason why you
18 could not be a fair and impartial juror if you were selected
19 to serve on this panel?
20 PROSPECTIVE JUROR NO. 475: I can be fair and
21 impartial, but my problem is I have a tendency to lose focus
22 and/or concentration on subject matters.
23 THE COURT: Okay.
24 PROSPECTIVE JUROR NO. 475: And so I might not be
25 able to connect the dots.

1 THE COURT: Okay. Well, if you were selected to
2 serve on the panel, I would need your commitment that
3 obviously you would be here and that you would listen to the
4 evidence.

5 PROSPECTIVE JUROR NO. 475: I will try.

6 THE COURT: Okay, and you could follow the -- what
7 do you mean, you could try? If you're not listening to the
8 evidence, what would you be doing?

9 PROSPECTIVE JUROR NO. 475: Well, I'll be -- I'll be
10 listening; I'll be trying to concentrate.

11 THE COURT: Okay. All right, that's all I could ask
12 for.

13 PROSPECTIVE JUROR NO. 475: Okay.

14 THE COURT: Okay? Thank you, sir. Thank you very
15 much for your willingness to be here.

16 Cavan Bandics? Good afternoon, sir.

17 PROSPECTIVE JUROR NO. 477: Yeah, that's right.

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

19 PROSPECTIVE JUROR NO. 477: All my life.

20 THE COURT: Okay. And your education background?

21 PROSPECTIVE JUROR NO. 477: High school diploma.

22 THE COURT: And are you employed?

23 PROSPECTIVE JUROR NO. 477: Yes.

24 THE COURT: What do you do?

25 PROSPECTIVE JUROR NO. 477: Service technician for

1 Automatic Door and Glass.

2 THE COURT: Your marital status?

3 PROSPECTIVE JUROR NO. 477: Single.

4 THE COURT: Do you have any kids?

5 PROSPECTIVE JUROR NO. 477: No.

6 THE COURT: Any reason why you could not be a fair

7 and impartial juror if we selected you to serve, Mr. Bandics?

8 PROSPECTIVE JUROR NO. 477: I'm not sure, but --

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 477: -- I feel like I may

11 have seen the accused before, maybe from school or from other

12 -- some other place; I'm just not exactly sure where.

13 THE COURT: Okay. You believe that you have seen

14 Mr. Robertson or Mr. Wheeler before?

15 PROSPECTIVE JUROR NO. 477: Yes, I believe so.

16 THE COURT: Okay. Anything about that that would

17 affect your ability to be fair and impartial?

18 PROSPECTIVE JUROR NO. 477: No, I don't believe so.

19 THE COURT: Okay, thank you. Thank you very much

20 for being here.

21 Jonathan Salazar?

22 PROSPECTIVE JUROR NO. 482: Correct.

23 THE COURT: How long have you lived in Clark County?

24 PROSPECTIVE JUROR NO. 482: 16 years.

25 THE COURT: Your education background?

1 PROSPECTIVE JUROR NO. 482: High school.
2 THE COURT: And what do you do for a living?
3 PROSPECTIVE JUROR NO. 482: I'm an armed guard and
4 driver for Loomis.
5 THE COURT: Your marital status?
6 PROSPECTIVE JUROR NO. 482: Single.
7 THE COURT: Do you have any children?
8 PROSPECTIVE JUROR NO. 482: No.
9 THE COURT: Any reason why you could not be a fair
10 and impartial juror if we selected you to serve?
11 PROSPECTIVE JUROR NO. 482: No, ma'am.
12 THE COURT: Thank you. Thank you for being here.
13 Ms. Cook?
14 PROSPECTIVE JUROR NO. 483: Yes. Yes.
15 THE COURT: How long have you lived in Clark County?
16 PROSPECTIVE JUROR NO. 483: I was born and raised.
17 THE COURT: Okay. Are you employed?
18 PROSPECTIVE JUROR NO. 483: Yes.
19 THE COURT: What do you do?
20 PROSPECTIVE JUROR NO. 483: A teacher.
21 THE COURT: A school teacher?
22 PROSPECTIVE JUROR NO. 483: Yes.
23 THE COURT: Okay. What do you teach?
24 PROSPECTIVE JUROR NO. 483: Fifth grade.
25 THE COURT: And your education background?

1 PROSPECTIVE JUROR NO. 483: A bachelor's degree in
2 education.
3 THE COURT: Okay. Your marital status?
4 PROSPECTIVE JUROR NO. 483: Married.
5 THE COURT: Is your spouse employed?
6 PROSPECTIVE JUROR NO. 483: Yes.
7 THE COURT: What does your spouse do?
8 PROSPECTIVE JUROR NO. 483: He's a foreman for --
9 they build shooting ranges, modular shooting ranges.
10 THE COURT: Okay. Do you have any children?
11 PROSPECTIVE JUROR NO. 483: Yes.
12 THE COURT: How many?
13 PROSPECTIVE JUROR NO. 483: I have one son, and
14 three stepsons.
15 THE COURT: Are any of them old enough to be
16 employed?
17 PROSPECTIVE JUROR NO. 483: Yes.
18 THE COURT: Okay, all of them?
19 PROSPECTIVE JUROR NO. 483: Three. Three of them
20 are.
21 THE COURT: Three of them?
22 PROSPECTIVE JUROR NO. 483: Yeah.
23 THE COURT: Well, tell me what those three children
24 do.
25 PROSPECTIVE JUROR NO. 483: So one of them works at

1 the shooting range company with his dad.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 483: The other one works at
4 Ritchie Brothers Auction, and the last one is a welder.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 483: And then, my son is in
7 school.

8 THE COURT: Okay. Do you know of any reason why you
9 could not be a fair and impartial juror if you were selected
10 to serve?

11 PROSPECTIVE JUROR NO. 483: No.

12 THE COURT: Okay, thank you, Ms. Cook. Thank you
13 for being here.

14 PROSPECTIVE JUROR NO. 483: Thank you.

15 THE COURT: Ms. Young? Good afternoon.

16 PROSPECTIVE JUROR NO. 485: Good afternoon.

17 THE COURT: Can you tell me how long you've lived in
18 Clark County?

19 PROSPECTIVE JUROR NO. 485: Four years.

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

21 PROSPECTIVE JUROR NO. 485: I am a -- I'm in
22 training right now to be an assistant store manager.

23 THE COURT: Okay. What kind of store is it?

24 PROSPECTIVE JUROR NO. 485: It's Walmart.

25 THE COURT: Okay. Your education background?

1 PROSPECTIVE JUROR NO. 485: High school.
2 THE COURT: Okay. Are you married?
3 PROSPECTIVE JUROR NO. 485: Yes.
4 THE COURT: Is your spouse employed?
5 PROSPECTIVE JUROR NO. 485: Yes.
6 THE COURT: What does your spouse do?
7 PROSPECTIVE JUROR NO. 485: He's a driver and
8 installer for a graphic company.
9 THE COURT: Do you have kids?
10 PROSPECTIVE JUROR NO. 485: Yes, three.
11 THE COURT: Okay. Are any of your kids old enough
12 to be employed?
13 PROSPECTIVE JUROR NO. 485: Two.
14 THE COURT: Okay. Can you tell me what each does?
15 PROSPECTIVE JUROR NO. 485: My daughter, she is an
16 office manager back home on the island of Hawaii. And my son,
17 he's -- he can work, but he's not. He's 17, he's a senior.
18 THE COURT: Okay. Still in school?
19 PROSPECTIVE JUROR NO. 485: Yes, ma'am.
20 THE COURT: Okay. Do you know of any reason why you
21 could not be a fair and impartial juror if you were selected
22 to serve on this panel?
23 PROSPECTIVE JUROR NO. 485: I can be fair.
24 THE COURT: Okay.
25 PROSPECTIVE JUROR NO. 485: Like I previously

1 mentioned, I'm in training. I was picked out of five people
2 for this position. You know, I'm trying to show them that I
3 can do it. Just being here right now hurt me today, but.

4 THE COURT: Okay, but you understand your employer
5 can't make any adverse employment decisions against you --

6 PROSPECTIVE JUROR NO. 485: Right.

7 THE COURT: -- because you've responded to a lawful
8 summons, correct?

9 PROSPECTIVE JUROR NO. 485: No, I understand.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 485: It -- yeah.

12 THE COURT: All right, thank you.

13 PROSPECTIVE JUROR NO. 485: Thank you.

14 THE COURT: Mr. Deperio?

15 PROSPECTIVE JUROR NO. 488: Yes.

16 THE COURT: Okay. How long have you lived in Clark
17 County?

18 PROSPECTIVE JUROR NO. 488: 23 years.

19 THE COURT: Your education background?

20 PROSPECTIVE JUROR NO. 488: High school.

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

22 PROSPECTIVE JUROR NO. 488: I'm a machine operator.

23 THE COURT: What kind of machine do you operate?

24 PROSPECTIVE JUROR NO. 488: Binder equipment.

25 THE COURT: Okay. Your marital status?

1 PROSPECTIVE JUROR NO. 488: Married.
2 THE COURT: And is your spouse employed?
3 PROSPECTIVE JUROR NO. 488: Yes.
4 THE COURT: What does your spouse do?
5 PROSPECTIVE JUROR NO. 488: Light equipment
6 operator.
7 THE COURT: And do you have children?
8 PROSPECTIVE JUROR NO. 488: Yes, two.
9 THE COURT: Okay. Are either of your kids old
10 enough to be employed?
11 PROSPECTIVE JUROR NO. 488: No, they're both high
12 school.
13 THE COURT: Okay. Do you know of any reason why you
14 could not be a fair and impartial juror if you were selected
15 to serve?
16 PROSPECTIVE JUROR NO. 488: No, I don't.
17 THE COURT: Okay, thank you, sir. Thank you for
18 being here.
19 Mr. Castro?
20 PROSPECTIVE JUROR NO. 490: Yes.
21 THE COURT: How long have you lived --
22 PROSPECTIVE JUROR NO. 490: 23 years.
23 THE COURT: 23 years? And your education
24 background?
25 PROSPECTIVE JUROR NO. 490: Associate's in software

1 development.

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

3 PROSPECTIVE JUROR NO. 490: I'm a software engineer.

4 THE COURT: Software engineer? And are you married?

5 PROSPECTIVE JUROR NO. 490: Married, yes.

6 THE COURT: Okay. Is your spouse employed?

7 PROSPECTIVE JUROR NO. 490: Yes, she's a regional

8 manager.

9 THE COURT: Do you have children?

10 PROSPECTIVE JUROR NO. 490: Four kids.

11 THE COURT: Four?

12 PROSPECTIVE JUROR NO. 490: Yeah.

13 THE COURT: Okay. Are any of your kids old enough

14 to be employed?

15 PROSPECTIVE JUROR NO. 490: Yes, they are. One's a

16 nurse.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 490: One's a supervisor, one

19 is in the Army, and one is in high school.

20 THE COURT: Okay. Any reason why you could not be a

21 fair and impartial juror if selected to serve on this panel?

22 PROSPECTIVE JUROR NO. 490: There's no reason.

23 THE COURT: Okay, thank you, sir. Thank you very

24 much for being here.

25 Ms. Segura? Okay.

1 PROSPECTIVE JUROR NO. 496: Yes, ma'am.

2 THE COURT: Good afternoon. How long have you lived
3 in Clark County?

4 PROSPECTIVE JUROR NO. 496: 13 years.

5 THE COURT: And your education background?

6 PROSPECTIVE JUROR NO. 496: Bachelor's of Science in
7 Nursing.

8 THE COURT: And you told us you're a nurse?

9 PROSPECTIVE JUROR NO. 496: Yes, ma'am.

10 THE COURT: Right, and you're working in a hospital?

11 PROSPECTIVE JUROR NO. 496: Yes, ma'am.

12 THE COURT: And what kind -- what kind of -- I mean,
13 what level? Pediatrics, surgery?

14 PROSPECTIVE JUROR NO. 496: Oh, basic level.
15 Med-surg, RN1. It's my first year.

16 THE COURT: Your first year as a nurse?

17 PROSPECTIVE JUROR NO. 496: Yes.

18 THE COURT: Okay. And your marital status?

19 PROSPECTIVE JUROR NO. 496: Married.

20 THE COURT: Is your spouse employed?

21 PROSPECTIVE JUROR NO. 496: No.

22 THE COURT: Do you have kids?

23 PROSPECTIVE JUROR NO. 496: No.

24 THE COURT: Okay. And I know we talked earlier
25 about you contacting your Human Resources, correct?

1 PROSPECTIVE JUROR NO. 496: I did on the break.
2 THE COURT: Okay.
3 PROSPECTIVE JUROR NO. 496: They said that they
4 would -- I would be able to be paid, so --
5 THE COURT: Okay.
6 PROSPECTIVE JUROR NO. 496: -- it's all good.
7 THE COURT: So no issues with your employment?
8 PROSPECTIVE JUROR NO. 496: No issues.
9 THE COURT: Okay. Any reason why you could not be a
10 fair and impartial juror if selected to serve?
11 PROSPECTIVE JUROR NO. 496: No reason.
12 THE COURT: Thank you.
13 PROSPECTIVE JUROR NO. 496: Thank you.
14 THE COURT: Thank you very much for being here.
15 Michael Laurie?
16 PROSPECTIVE JUROR NO. 513: Correct.
17 THE COURT: Good afternoon.
18 PROSPECTIVE JUROR NO. 513: Good afternoon.
19 THE COURT: How long have you lived in Clark County?
20 PROSPECTIVE JUROR NO. 513: A little over five
21 years.
22 THE COURT: Okay, and what do you do for a living?
23 PROSPECTIVE JUROR NO. 513: I'm a retail cashier at
24 a dollar store.
25 THE COURT: Okay. And your education background?

1 PROSPECTIVE JUROR NO. 513: High school.
2 THE COURT: Okay. And your marital status?
3 PROSPECTIVE JUROR NO. 513: Single.
4 THE COURT: Okay. Do you have any kids?
5 PROSPECTIVE JUROR NO. 513: No.
6 THE COURT: Do you know of any reason why you could
7 not be a fair and impartial juror if selected to serve --
8 PROSPECTIVE JUROR NO. 513: No.
9 THE COURT: -- Mr. Laurie?
10 PROSPECTIVE JUROR NO. 513: No.
11 THE COURT: Okay, thank you.
12 PROSPECTIVE JUROR NO. 513: Um-hum.
13 THE COURT: Thank you very much for being here.
14 Maria Moreno, correct?
15 PROSPECTIVE JUROR NO. 520: Yes.
16 THE COURT: How long have you lived in Clark County?
17 PROSPECTIVE JUROR NO. 520: 15 years.
18 THE COURT: And your education background?
19 PROSPECTIVE JUROR NO. 520: High school.
20 THE COURT: What do you do for a living?
21 PROSPECTIVE JUROR NO. 520: I'm a payroll Clerk at
22 Broadacres Marketplace.
23 THE COURT: And are you married?
24 PROSPECTIVE JUROR NO. 520: Yes.
25 THE COURT: Okay. Is your spouse employed?

1 PROSPECTIVE JUROR NO. 520: Yes.

2 THE COURT: Okay, can you tell me what your spouse
3 does for a living?

4 PROSPECTIVE JUROR NO. 520: He's an electrician.

5 THE COURT: Do you have children?

6 PROSPECTIVE JUROR NO. 520: Yes, I have two.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 520: They're in -- one is in
9 high school, and one is in junior high.

10 THE COURT: Okay. Any reason why you could not be a
11 fair and impartial juror if selected to serve?

12 PROSPECTIVE JUROR NO. 520: No.

13 THE COURT: Thank you. Thank you for being here.
14 Ms. Perez-Haywood?

15 PROSPECTIVE JUROR NO. 521: Yes.

16 THE COURT: Good afternoon.

17 PROSPECTIVE JUROR NO. 521: Good afternoon.

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

19 PROSPECTIVE JUROR NO. 521: 16 years.

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

21 PROSPECTIVE JUROR NO. 521: Middle school teacher.

22 THE COURT: Okay. What subjects do you teach?

23 PROSPECTIVE JUROR NO. 521: Eighth grade math.

24 THE COURT: Okay. And your education background?

25 PROSPECTIVE JUROR NO. 521: Master's in education.

1 THE COURT: Okay. And your marital status?
2 PROSPECTIVE JUROR NO. 521: Married.
3 THE COURT: Is your spouse employed?
4 PROSPECTIVE JUROR NO. 521: Yes.
5 THE COURT: What does your spouse do?
6 PROSPECTIVE JUROR NO. 521: He teaches middle school
7 too, sixth grade.
8 THE COURT: Do you have any children?
9 PROSPECTIVE JUROR NO. 521: Two, a four-year-old and
10 a eight-year-old.
11 THE COURT: Okay. Any reason why you could not be a
12 fair and impartial juror if you were selected to serve?
13 PROSPECTIVE JUROR NO. 521: No, ma'am.
14 THE COURT: Okay, thank you. Thank you very much
15 for being here.
16 Ms. Mendoza?
17 PROSPECTIVE JUROR NO. 524: Yes.
18 THE COURT: Good afternoon.
19 PROSPECTIVE JUROR NO. 524: Good afternoon.
20 THE COURT: How long have you lived in Clark County?
21 PROSPECTIVE JUROR NO. 524: Ten years.
22 THE COURT: Okay. And your education background?
23 PROSPECTIVE JUROR NO. 524: I was going to Nevada
24 State, but I took the semester off.
25 THE COURT: Okay, but you were in school last

1 semester?

2 PROSPECTIVE JUROR NO. 524: Yes.

3 THE COURT: All right, and you're just taking a
4 semester off?

5 PROSPECTIVE JUROR NO. 524: Um-hum.

6 THE COURT: Is that a yes?

7 PROSPECTIVE JUROR NO. 524: Yes.

8 THE COURT: Have you finished a year?

9 PROSPECTIVE JUROR NO. 524: Yeah, I'm in my second
10 year.

11 THE COURT: Okay. And are you employed?

12 PROSPECTIVE JUROR NO. 524: Yes.

13 THE COURT: What do you do?

14 PROSPECTIVE JUROR NO. 524: I'm a sales associate at
15 Tory Burch.

16 THE COURT: Your marital status?

17 PROSPECTIVE JUROR NO. 524: Single.

18 THE COURT: Do you have kids?

19 PROSPECTIVE JUROR NO. 524: No.

20 THE COURT: Okay. Any reason why you could not be a
21 fair and impartial juror if you were selected to serve, Ms.
22 Mendoza?

23 PROSPECTIVE JUROR NO. 524: No.

24 THE COURT: Okay, thank you.

25 Dawn Nerdin?

1 PROSPECTIVE JUROR NO. 538: Yes, ma'am.

2 THE COURT: Good afternoon. Ms. Nerdin, how long
3 have you lived in Clark County?

4 PROSPECTIVE JUROR NO. 538: Probably about 43 years.

5 THE COURT: Okay. Your education background?

6 PROSPECTIVE JUROR NO. 538: High school diploma.

7 THE COURT: And your -- your employment background?

8 PROSPECTIVE JUROR NO. 538: Unemployed.

9 THE COURT: Okay, and what was your last job? What
10 did you do?

11 PROSPECTIVE JUROR NO. 538: Customer service for
12 convenience stores.

13 THE COURT: Okay. Your marital status?

14 PROSPECTIVE JUROR NO. 538: Single.

15 THE COURT: Do you --

16 PROSPECTIVE JUROR NO. 538: I'm a caregiver at this
17 point. My dad and --

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 538: -- sister have COPD, so
20 I help take care of them.

21 THE COURT: Okay. How will that -- do you take care
22 of them full-time, I assume?

23 PROSPECTIVE JUROR NO. 538: Yeah.

24 THE COURT: Okay. How will that affect the care if
25 you're required to be here?

1 PROSPECTIVE JUROR NO. 538: It would -- it would
2 affect it quite a bit. We have three dogs, then my sister's
3 on oxygen. My dad has to do his medicine four times a day,
4 and, you know, I'm there to help out around the house --

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 538: -- because they can't
7 get around too good.

8 THE COURT: All right. Would you be able to do
9 both?

10 PROSPECTIVE JUROR NO. 538: Not really, no.

11 THE COURT: Okay. Who is there now?

12 PROSPECTIVE JUROR NO. 538: Just them by themselves.

13 THE COURT: Okay. Do you live there?

14 PROSPECTIVE JUROR NO. 538: Yes, I do.

15 THE COURT: Okay. And I just want to ask, will
16 their health be compromised if you're required to be here?

17 PROSPECTIVE JUROR NO. 538: It could be. You know,
18 they have lapses to where they can't breathe and stuff, and
19 they need help. You know, they need help, you know, me to do
20 the running around, and you know, back and forth in the house,
21 you know, cooking, and you know, help them maintain their
22 level of life.

23 THE COURT: Okay, but there's no one with them right
24 now?

25 PROSPECTIVE JUROR NO. 538: No.

1 THE COURT: And not all day?
2 PROSPECTIVE JUROR NO. 538: Not -- no. I'm gone,
3 I'm here.
4 THE COURT: Okay. All right, Ms. Nerdin, I'm just
5 going to ask you to step out of the box.
6 PROSPECTIVE JUROR NO. 538: All right, thank you.
7 THE COURT: And I'm going to ask Alexander Keang, if
8 you can take a seat in the gallery. Alexander --
9 THE MARSHAL: Come up and fill the empty chair, sir.
10 THE COURT: -- Keang, I'm just going to --
11 PROSPECTIVE JUROR NO. 561: (Indiscernible)?
12 THE COURT: Uh-huh.
13 PROSPECTIVE JUROR NO. 561: Thank you.
14 THE COURT: Mr. Keang, how long have you lived in
15 Clark County?
16 PROSPECTIVE JUROR NO. 561: I live here since 1991.
17 THE COURT: Okay. And what do you do for a living?
18 PROSPECTIVE JUROR NO. 561: I'm a casino dealer.
19 THE COURT: Okay. And your education background?
20 PROSPECTIVE JUROR NO. 561: High school.
21 THE COURT: Okay. And are you married?
22 PROSPECTIVE JUROR NO. 561: Yes.
23 THE COURT: Okay. Is your spouse employed?
24 PROSPECTIVE JUROR NO. 561: Yes.
25 THE COURT: What does she do?

1 PROSPECTIVE JUROR NO. 561: She's a dealer, too.
2 THE COURT: Okay. Do you have any children?
3 PROSPECTIVE JUROR NO. 561: Two children.
4 THE COURT: Okay. Are they old enough to be
5 employed?
6 PROSPECTIVE JUROR NO. 561: No, they are just kid,
7 11-years-old and --
8 THE COURT: Okay, they're minors?
9 PROSPECTIVE JUROR NO. 561: -- eight-years-old.
10 Minors, yes.
11 THE COURT: Any reason why you could not be a fair
12 and impartial juror if you were selected to serve?
13 PROSPECTIVE JUROR NO. 561: No, no reason.
14 THE COURT: Okay, thank you, sir. Thank you very
15 much for being here.
16 Ms. McCarthy?
17 PROSPECTIVE JUROR NO. 540: Yes.
18 THE COURT: How long have you lived in Clark County?
19 PROSPECTIVE JUROR NO. 540: 28 years.
20 THE COURT: Your education background?
21 PROSPECTIVE JUROR NO. 540: Master's in education.
22 THE COURT: And what do you do?
23 PROSPECTIVE JUROR NO. 540: I'm a retired teacher.
24 THE COURT: What did you teach?
25 PROSPECTIVE JUROR NO. 540: I taught everything from

1 kindergarten up to middle school.

2 THE COURT: Okay. And your marital status?

3 PROSPECTIVE JUROR NO. 540: Married.

4 THE COURT: Okay. Is your spouse employed?

5 PROSPECTIVE JUROR NO. 540: Yes, he's a teacher.

6 THE COURT: Do you have kids?

7 PROSPECTIVE JUROR NO. 540: Yes, I have two, one of

8 which is here today.

9 THE COURT: One of your kids is here?

10 PROSPECTIVE JUROR NO. 540: Yes.

11 THE COURT: Okay. Oh, that's your son?

12 PROSPECTIVE JUROR NO. 540: That's my son, yes.

13 THE COURT: Okay. You both got a jury summons, and

14 you both got assigned up here?

15 PROSPECTIVE JUROR NO. 540: Well, we both were

16 summoned in November, and we couldn't do it then, and so we

17 both picked this day so that we can carpool together.

18 THE COURT: Okay, and you got put together on the --

19 PROSPECTIVE JUROR NO. 540: Have some quality mother

20 and son bonding time, yeah.

21 THE COURT: Yeah. Okay, so how many kids do you

22 have?

23 PROSPECTIVE JUROR NO. 540: I have two.

24 THE COURT: And are they old enough to be employed?

25 PROSPECTIVE JUROR NO. 540: Yes. Drew, he's 21, he

1 is a car detailer.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 540: And then my daughter's
4 24, but she has special needs, so she's not employed.

5 THE COURT: Okay. Do you know of any reason why you
6 could not be a fair and impartial juror if you were selected
7 to serve?

8 PROSPECTIVE JUROR NO. 540: No.

9 THE COURT: Thank you. Thank you very much for
10 being here.

11 And Mr. Widdison?

12 PROSPECTIVE JUROR NO. 541: Yes, ma'am.

13 THE COURT: Good afternoon. How long have you lived
14 in Clark County?

15 PROSPECTIVE JUROR NO. 541: 18 years.

16 THE COURT: Your education background?

17 PROSPECTIVE JUROR NO. 541: I have a bachelor degree
18 in accounting.

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

20 PROSPECTIVE JUROR NO. 541: I'm a certified manager
21 accountant.

22 THE COURT: Certified manager accountant?

23 PROSPECTIVE JUROR NO. 541: Yeah, CMA. Um-hum.

24 THE COURT: Okay. And your marital status?

25 PROSPECTIVE JUROR NO. 541: Married.

1 THE COURT: Is your spouse employed?
2 PROSPECTIVE JUROR NO. 541: No, she's not.
3 THE COURT: Do you have children?
4 PROSPECTIVE JUROR NO. 541: One minor girl at home.
5 THE COURT: Any reason why you could not be a fair
6 and impartial juror, Mr. Widdison?
7 PROSPECTIVE JUROR NO. 541: I can be fair,
8 impartial. No problem.
9 THE COURT: Okay. Thank you, sir. Thank you for
10 being here.
11 John Kubota?
12 PROSPECTIVE JUROR NO. 546: Hi.
13 THE COURT: Good afternoon. How long have you lived
14 in Clark County?
15 PROSPECTIVE JUROR NO. 546: 31 years.
16 THE COURT: And your education background?
17 PROSPECTIVE JUROR NO. 546: Bachelor's from Cornell
18 and master's from Berkeley. I'm --
19 THE COURT: Okay, so your bachelor's is in what?
20 PROSPECTIVE JUROR NO. 546: Structural engineering.
21 THE COURT: Okay, and your master's?
22 PROSPECTIVE JUROR NO. 546: Structural engineering.
23 THE COURT: Okay, and what do you do for a living?
24 PROSPECTIVE JUROR NO. 546: I run my own engineering
25 company, Kubota and Associates Engineers.

1 THE COURT: Okay. Your marital status?
2 PROSPECTIVE JUROR NO. 546: I'm married.
3 THE COURT: Is your spouse employed?
4 PROSPECTIVE JUROR NO. 546: Yes.
5 THE COURT: What does your spouse do?
6 PROSPECTIVE JUROR NO. 546: She's a RE for NDOT.
7 THE COURT: Do you have kids?
8 PROSPECTIVE JUROR NO. 546: Three.
9 THE COURT: Okay. Are they old enough to be
10 employed?
11 PROSPECTIVE JUROR NO. 546: Two in high school, one
12 in University of Washington.
13 THE COURT: Okay. Any reason why you could not be a
14 fair and impartial juror if you were selected to serve, Mr.
15 Kubota?
16 PROSPECTIVE JUROR NO. 546: I'm struggling with that
17 one because I've been sued 29 times.
18 THE COURT: Oh.
19 PROSPECTIVE JUROR NO. 546: And we got to know the
20 judges real well, and one -- they'd come up and say, okay,
21 John, yep, nobody said you did anything wrong, but you lose,
22 you got to pay. So the law and I have problems with each
23 other.
24 THE COURT: Okay, so it sounds like civil stuff?
25 PROSPECTIVE JUROR NO. 546: Civil.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 546: Construction defect.

3 THE COURT: I was just going to say. So you spent
4 most of your time in construction defect courtrooms?

5 PROSPECTIVE JUROR NO. 546: Well, yeah, up until --
6 we gave testimony in 2000 in the -- when they were going
7 through the construction defect litigation changes.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 546: But then we lost -- we
10 -- we lost -- we stopped carrying insurance, and all the
11 lawyers disappeared, so we haven't been sued since we dropped
12 our insurance. I haven't figured that one out yet, but.

13 THE COURT: Okay, all right. Well, I don't blame
14 you for not being happy about being sued, but --

15 PROSPECTIVE JUROR NO. 546: And not doing anything
16 wrong, but I still had to pay.

17 THE COURT: Yeah. I -- I probably wouldn't be happy
18 either, okay, but you understand this is a criminal case?

19 PROSPECTIVE JUROR NO. 546: Right.

20 THE COURT: And that it really has nothing to do
21 with what has happened to you; you understand that?

22 PROSPECTIVE JUROR NO. 546: Yeah.

23 THE COURT: Okay. Would you be able to set aside
24 your experiences with being part of the civil litigation
25 system, and judge this case based solely on the evidence as

1 you hear in the courtroom and the instructions on the law?

2 PROSPECTIVE JUROR NO. 546: Yeah.

3 THE COURT: Okay, because you agree with me that it
4 would be unfair to judge this case based on your experience,
5 correct?

6 PROSPECTIVE JUROR NO. 546: Right. As you say, mine
7 was all civil, and it was just lawsuits as opposed to breaking
8 the law.

9 THE COURT: Yeah, not to minimize it, not to
10 minimize it, but you would be able to set those experiences
11 aside?

12 PROSPECTIVE JUROR NO. 546: Yeah.

13 THE COURT: Okay, sir. Thank you very much, and
14 thank you for being here.

15 Roberta Bell?

16 PROSPECTIVE JUROR NO. 554: Yes.

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

18 PROSPECTIVE JUROR NO. 554: 40 years.

19 THE COURT: And your education background?

20 PROSPECTIVE JUROR NO. 554: High school.

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

22 PROSPECTIVE JUROR NO. 554: I work part-time in a
23 warehouse packaging -- like for Kroger's or Smith's, packaging
24 up food.

25 THE COURT: Your marital status?

1 PROSPECTIVE JUROR NO. 554: Yes.

2 THE COURT: You're married?

3 PROSPECTIVE JUROR NO. 554: Married, married.

4 THE COURT: Okay. Is your spouse employed?

5 PROSPECTIVE JUROR NO. 554: Yes. He is a service

6 air manager for Air Canada for Vegas and Phoenix.

7 THE COURT: Do you have children?

8 PROSPECTIVE JUROR NO. 554: I have two.

9 THE COURT: Okay, are they old enough to be

10 employed?

11 PROSPECTIVE JUROR NO. 554: Yes. One is a dental

12 assistant, and one works for Wells Fargo.

13 THE COURT: Any reason why you could not be a fair

14 and impartial juror if you were selected to serve on this

15 panel?

16 PROSPECTIVE JUROR NO. 554: Yeah, no reason.

17 THE COURT: Okay, thank you.

18 PROSPECTIVE JUROR NO. 554: Um-hum.

19 THE COURT: Thank you very much. And then, Officer

20 Hawkes, if you don't mind --

21 THE MARSHAL: Yes, ma'am.

22 THE COURT: We're on number 31, Andrew Delgadillo.

23 Okay. And when the microphone gets to you, if you don't mind

24 standing up, and then it makes it easier for me to hear you

25 over there. Good afternoon, sir.

1 PROSPECTIVE JUROR NO. 556: Good afternoon.
2 THE COURT: How long have you lived in Clark County?
3 PROSPECTIVE JUROR NO. 556: 16 years.
4 THE COURT: Your education background?
5 PROSPECTIVE JUROR NO. 556: No high school.
6 THE COURT: And what do you do for a living?
7 PROSPECTIVE JUROR NO. 556: Roadside assistance.
8 THE COURT: Okay. And are you married?
9 PROSPECTIVE JUROR NO. 556: Yes.
10 THE COURT: Okay. Is your spouse employed?
11 PROSPECTIVE JUROR NO. 556: Yes.
12 THE COURT: What does your spouse do?
13 PROSPECTIVE JUROR NO. 556: Workforce for the
14 Mirage.
15 THE COURT: I'm sorry?
16 PROSPECTIVE JUROR NO. 556: Workforce.
17 THE COURT: Work horse?
18 PROSPECTIVE JUROR NO. 556: Force.
19 THE COURT: Okay.
20 PROSPECTIVE JUROR NO. 556: Workforce.
21 THE COURT: Okay. And do you have children?
22 PROSPECTIVE JUROR NO. 556: Yes, just one. He's
23 five.
24 THE COURT: Any reason why you could not be a fair
25 and impartial juror if selected to serve?

1 PROSPECTIVE JUROR NO. 556: No, ma'am.
2 THE COURT: Okay, thank you, sir.
3 PROSPECTIVE JUROR NO. 556: Thank you.
4 THE COURT: Thank you for being here.
5 Mr. Randall?
6 PROSPECTIVE JUROR NO. 557: Yes.
7 THE COURT: Good afternoon. How long have you lived
8 in Clark County?
9 PROSPECTIVE JUROR NO. 557: Lived here about
10 two-and-a-half years now.
11 THE COURT: Okay. And your education background?
12 PROSPECTIVE JUROR NO. 557: High school equivalent.
13 THE COURT: Okay. And what do you do for a living?
14 PROSPECTIVE JUROR NO. 557: I run a small company
15 that sells financial software.
16 THE COURT: Okay. And your marital status?
17 PROSPECTIVE JUROR NO. 557: Married.
18 THE COURT: Is your spouse employed?
19 PROSPECTIVE JUROR NO. 557: Currently unemployed.
20 THE COURT: Do you have kids?
21 PROSPECTIVE JUROR NO. 557: No, no kids.
22 THE COURT: Do you know of any reason why you could
23 not be a fair and impartial juror if you were selected to
24 serve on this panel?
25 PROSPECTIVE JUROR NO. 557: No.

1 THE COURT: Okay, thank you, sir. Thank you very
2 much for being here.

3 I do have a few more questions for the panel of 32
4 as a whole. So if you'd like to respond, just raise your
5 hand. We'll make sure the microphone gets to you, and if you
6 won't mind stating your name and badge number so we have a
7 record of who is speaking.

8 Is there anyone on the panel who has ever served as
9 a juror before? Go ahead. Your name and badge number?

10 PROSPECTIVE JUROR NO. 417: Joyce (phonetic)
11 Newcome, 417.

12 THE COURT: Okay, and you've served as a juror
13 before?

14 PROSPECTIVE JUROR NO. 417: Yes.

15 THE COURT: How many times?

16 PROSPECTIVE JUROR NO. 417: One -- one that I can
17 remember (indiscernible).

18 THE COURT: Okay, one time?

19 PROSPECTIVE JUROR NO. 417: Um-hum.

20 THE COURT: Was it civil or criminal?

21 PROSPECTIVE JUROR NO. 417: Criminal.

22 THE COURT: Okay. Were you selected to be the
23 foreperson?

24 PROSPECTIVE JUROR NO. 417: No.

25 THE COURT: Okay. Without telling me what your

1 verdict was, were you able to reach a verdict in that case?
2 PROSPECTIVE JUROR NO. 417: Yes.
3 THE COURT: Anything about that experience that
4 would affect your ability to be fair and impartial in this
5 case?
6 PROSPECTIVE JUROR NO. 417: There's -- there's no --
7 THE COURT: Okay.
8 PROSPECTIVE JUROR NO. 417: -- no reason.
9 THE COURT: Thank you. Anyone else in that row? If
10 you just don't mind passing it down.
11 PROSPECTIVE JUROR NO. 451: Shannon Graham, 451.
12 THE COURT: Okay. How many times have you served,
13 Ms. Graham?
14 PROSPECTIVE JUROR NO. 451: One time.
15 THE COURT: And was that civil or criminal?
16 PROSPECTIVE JUROR NO. 451: Civil.
17 THE COURT: Civil? Was that here in this
18 courthouse?
19 PROSPECTIVE JUROR NO. 451: Yes.
20 THE COURT: Okay. Were you selected to be the
21 foreperson?
22 PROSPECTIVE JUROR NO. 451: I was.
23 THE COURT: Without telling us what your verdict
24 was, were you able to reach a verdict?
25 PROSPECTIVE JUROR NO. 451: Yes.

1 THE COURT: Anything about that experience that
2 would affect your ability to be fair and impartial if selected
3 to serve on this panel?

4 PROSPECTIVE JUROR NO. 451: No, ma'am.

5 THE COURT: Okay, thank you, and thank you for your
6 willingness to serve.

7 Anyone else on the back row? Front row? You can
8 pass it to the juror in front.

9 PROSPECTIVE JUROR NO. 488: Badge number 488,
10 Markdelan Deperio.

11 THE COURT: Okay. How many times have you served?

12 PROSPECTIVE JUROR NO. 488: Once.

13 THE COURT: Civil or criminal?

14 PROSPECTIVE JUROR NO. 488: Criminal.

15 THE COURT: And were you selected to be the
16 foreperson?

17 PROSPECTIVE JUROR NO. 488: No.

18 THE COURT: Without telling me your verdict, were
19 you able to reach a verdict?

20 PROSPECTIVE JUROR NO. 488: Yes.

21 THE COURT: Anything about that experience that
22 would affect your ability to be fair and impartial in this
23 case?

24 PROSPECTIVE JUROR NO. 488: No.

25 THE COURT: Okay, thank you. Anyone else in the

1 second row? Go ahead.

2 PROSPECTIVE JUROR NO. 483: 483, Lisa Cook.

3 THE COURT: And you've served before?

4 PROSPECTIVE JUROR NO. 483: Yes.

5 THE COURT: How many times?

6 PROSPECTIVE JUROR NO. 483: Once.

7 THE COURT: Was that civil or criminal?

8 PROSPECTIVE JUROR NO. 483: Civil.

9 THE COURT: Were you selected to be the foreperson?

10 PROSPECTIVE JUROR NO. 483: No.

11 THE COURT: Without telling me your verdict, were

12 you able to reach a verdict?

13 PROSPECTIVE JUROR NO. 483: Well, it was settled

14 before. It -- it --

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 483: No.

17 THE COURT: So you weren't sent out to deliberate?

18 PROSPECTIVE JUROR NO. 483: No.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 483: Hmm-mm.

21 THE COURT: Anything about that experience that

22 would affect your ability to be fair and impartial in this

23 case?

24 PROSPECTIVE JUROR NO. 483: No.

25 THE COURT: Okay, thank you. Anyone else in the

1 second row? If you don't mind passing it forward.

2 PROSPECTIVE JUROR NO. 540: Staci McCarthy, 540.

3 THE COURT: Okay, and you've served before?

4 PROSPECTIVE JUROR NO. 540: I served for a year on
5 the federal grand jury.

6 THE COURT: Okay. When did you do that?

7 PROSPECTIVE JUROR NO. 540: About 15 years ago.

8 THE COURT: All right, and so you understand that's
9 a little bit different?

10 PROSPECTIVE JUROR NO. 540: Yeah.

11 THE COURT: So you went probably once a week for --

12 PROSPECTIVE JUROR NO. 540: Every Tuesday for a
13 year, yes.

14 THE COURT: For a year?

15 PROSPECTIVE JUROR NO. 540: Um-hum.

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

19 PROSPECTIVE JUROR NO. 540: No.

20 THE COURT: Okay, thank you. Anyone else on the
21 panel of 32 that has ever served as a juror before? Okay, the
22 record will reflect no further response from the panel.

23 Have you or anyone close to you, such as a family
24 member or friend, ever been the victim of a crime, other than
25 what's already been disclosed? Go ahead, Ms. McCarthy. Your

1 name and badge number?

2 PROSPECTIVE JUROR NO. 540: Yes. Staci McCarthy,
3 540.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 540: My father was a victim
6 of violent crime.

7 THE COURT: Okay. What was it?

8 PROSPECTIVE JUROR NO. 540: He was shot in the head
9 at a traffic stop.

10 THE COURT: When was that?

11 PROSPECTIVE JUROR NO. 540: In 1989.

12 THE COURT: Okay. And I'm assuming the police were
13 called and got involved?

14 PROSPECTIVE JUROR NO. 540: Yes, but they never
15 caught the person.

16 THE COURT: They never --

17 PROSPECTIVE JUROR NO. 540: No.

18 THE COURT: -- were able to apprehend anybody?

19 PROSPECTIVE JUROR NO. 540: No.

20 THE COURT: Okay, and is your father okay?

21 PROSPECTIVE JUROR NO. 540: Yeah, he was okay. He's
22 passed now, but he survived that.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 540: Yeah.

25 THE COURT: Is there anything about that experience

1 that would affect your ability to be fair and impartial?

2 PROSPECTIVE JUROR NO. 540: No.

3 THE COURT: Okay, thank you. Anyone else? Go
4 ahead, sir.

5 PROSPECTIVE JUROR NO. 541: Kevin Widdison, 541. In
6 1990, I was held at gunpoint in Switzerland in our apartment,
7 and we got robbed. And then, about ten years ago here, our
8 house was broken into and burglarized while we were not home.

9 THE COURT: Okay, so you were in Switzerland in the
10 90s?

11 PROSPECTIVE JUROR NO. 541: Um-hum, yeah.

12 THE COURT: Is that a yes?

13 PROSPECTIVE JUROR NO. 541: Yes, ma'am.

14 THE COURT: What were you doing in Switzerland?

15 PROSPECTIVE JUROR NO. 541: LDS mission.

16 THE COURT: Okay, and you were the victim of a
17 crime?

18 PROSPECTIVE JUROR NO. 541: They broke in and --

19 THE COURT: Yes.

20 PROSPECTIVE JUROR NO. 541: -- held us down and
21 robbed us.

22 THE COURT: Okay, and did the police get involved?

23 PROSPECTIVE JUROR NO. 541: Police came, nobody was
24 caught. It was pretty perfunctory, to be honest with you.

25 THE COURT: Okay. And then you indicated there was

1 another issue?

2 PROSPECTIVE JUROR NO. 541: And then, here in Las
3 Vegas, our home was burglarized about ten years ago.

4 THE COURT: Okay, and you called the police?

5 PROSPECTIVE JUROR NO. 541: Yes, ma'am.

6 THE COURT: And they responded?

7 PROSPECTIVE JUROR NO. 541: They responded and came
8 out. No arrests, but they did come out.

9 THE COURT: Okay, and they took a report?

10 PROSPECTIVE JUROR NO. 541: Yes, ma'am.

11 THE COURT: Do you think you were treated fairly?

12 PROSPECTIVE JUROR NO. 541: Absolutely, yes.

13 THE COURT: Anything about those two experiences
14 that would affect your ability to be fair and impartial in
15 this case?

16 PROSPECTIVE JUROR NO. 541: No, ma'am.

17 THE COURT: Okay, thank you.

18 Anyone else that's ever been the victim of a crime?
19 Okay, the record will reflect no further response from the
20 panel.

21 Have you or anyone close to you, such as a family
22 member or friend, ever been accused of a crime? If you don't
23 mind passing the microphone back.

24 PROSPECTIVE JUROR NO. 485: Shannon Young, 485. My
25 brother-in-law is serving time.

1 THE COURT: Okay, where?
2 PROSPECTIVE JUROR NO. 485: In Colorado.
3 THE COURT: All right. Do you know what for?
4 PROSPECTIVE JUROR NO. 485: Yeah, he -- it was
5 robbery on three banks here in Las Vegas.
6 THE COURT: Okay, so what's he doing in Colorado?
7 Is that just where he's serving his time?
8 PROSPECTIVE JUROR NO. 485: Yes.
9 THE COURT: Okay, and how long ago was that?
10 PROSPECTIVE JUROR NO. 485: It was just last year.
11 THE COURT: Okay. It was just last year that he was
12 apprehended, or he was tried? What --
13 PROSPECTIVE JUROR NO. 485: Last year that he was
14 tried.
15 THE COURT: Okay, he was sentenced?
16 PROSPECTIVE JUROR NO. 485: Yes, sentence.
17 THE COURT: And did you follow his case?
18 PROSPECTIVE JUROR NO. 485: Yes, ma'am. I was with
19 my husband the whole time.
20 THE COURT: I'm sorry?
21 PROSPECTIVE JUROR NO. 485: I was with my husband
22 the whole time when we attended court.
23 THE COURT: Okay, so you actually went and viewed
24 the court proceedings?
25 PROSPECTIVE JUROR NO. 485: Yes, ma'am.

1 THE COURT: Okay. Were you over in federal court?
2 PROSPECTIVE JUROR NO. 485: Yes, ma'am.
3 THE COURT: Okay. Do you think he was treated
4 fairly? Your brother-in-law.
5 PROSPECTIVE JUROR NO. 485: Yeah.
6 THE COURT: Okay.
7 PROSPECTIVE JUROR NO. 485: Yes.
8 THE COURT: Well, it's your response.
9 PROSPECTIVE JUROR NO. 485: Yeah.
10 THE COURT: I mean, I just want to hear how you feel
11 because you hesitated.
12 PROSPECTIVE JUROR NO. 485: Well, sorry.
13 THE COURT: That's okay.
14 PROSPECTIVE JUROR NO. 485: I mean, it's -- he did
15 do it.
16 THE COURT: Okay, and it's --
17 PROSPECTIVE JUROR NO. 485: Yeah.
18 THE COURT: I'm sorry, because it looks like it's
19 making you emotional, so I apologize.
20 PROSPECTIVE JUROR NO. 485: It's fine.
21 THE COURT: Is there anything about what happened to
22 your brother-in-law that would affect your ability to be fair
23 and impartial in this case?
24 PROSPECTIVE JUROR NO. 485: I mean, to be honest
25 with you, I --

1 THE COURT: Well, you are under oath.

2 PROSPECTIVE JUROR NO. 485: I -- like, I understand
3 the whole process of this, I just -- like I explained, I don't
4 -- I honestly don't want to be here, only because of the fact
5 of, you know, my promotion. And I keep going back to that,
6 but I've worked really hard for it. And I know my job cannot
7 hold me on it, but -- but, you know, they put me in charge of
8 something, and I had big bosses come today to my job, and I
9 wasn't there, you know, to kind of shine. It's like an
10 interview, on-the-job training. So I just -- I don't want
11 that to affect me. You know, some jobs don't really
12 understand, but.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 485: Yeah.

15 THE COURT: Going back to the issue with your
16 brother-in-law, is there anything about his case that would
17 affect your ability to be fair and impartial in this case?

18 PROSPECTIVE JUROR NO. 485: I don't know. I mean --

19 THE COURT: Okay, well, let me ask you this. You
20 understand that you could not judge this case based on
21 anything you saw over in your brother-in-law's case? You
22 understand that, correct?

23 PROSPECTIVE JUROR NO. 485: Yes.

24 THE COURT: Do we have to worry about you doing
25 that?

1 PROSPECTIVE JUROR NO. 485: I just think sometimes
2 the law is unfair in certain ways, you know.

3 THE COURT: Okay, but will you follow the law, even
4 if you --

5 PROSPECTIVE JUROR NO. 485: Of course.

6 THE COURT: -- think it's not fair?

7 PROSPECTIVE JUROR NO. 485: Of course.

8 THE COURT: Okay, and you'll follow the law as given
9 to you by the Court?

10 PROSPECTIVE JUROR NO. 485: Yes.

11 THE COURT: Okay, thank you.

12 PROSPECTIVE JUROR NO. 485: Thank you.

13 THE COURT: Thank you very much.

14 Anyone else? Okay, the record will reflect no
15 further response from the panel.

16 Is there anyone on the panel who would have a
17 tendency to give more weight or credence or less weight or
18 credence to the testimony of a police officer simply because
19 that witness was a police officer?

20 THE MARSHAL: Can you pass the microphone down this
21 way, please?

22 PROSPECTIVE JUROR NO. 485: Sure.

23 PROSPECTIVE JUROR NO. 464: Jeff O'Brien, 464.

24 THE COURT: Okay, and you understand the question?

25 PROSPECTIVE JUROR NO. 464: Yes, ma'am.

1 THE COURT: Okay. So you would have a tendency to
2 give a witness more weight or credence or less weight or
3 credence simply because you knew the witness was a police
4 officer?

5 PROSPECTIVE JUROR NO. 464: I have a lot of police
6 officer friends and I trust their opinions.

7 THE COURT: Okay. Would it be more or less
8 credence?

9 PROSPECTIVE JUROR NO. 464: I would give them -- I
10 hate to say, but I would probably give them -- I would take
11 their word for it. I would give them more credence.

12 THE COURT: Okay. Would you judge a police
13 officer's testimony the way you would judge any other witness?

14 PROSPECTIVE JUROR NO. 464: Absolutely, I'd try to
15 be fair.

16 THE COURT: Okay, because you understand I'm not
17 going to tell you to -- I mean, you can consider the fact that
18 a witness is a police officer, but I'm never going to instruct
19 you, take a police officer's word for it. I would want you,
20 if you were a juror, to test that person's testimony and
21 credibility the same way you would any other witness.

22 PROSPECTIVE JUROR NO. 464: I would --

23 THE COURT: Do you understand that?

24 PROSPECTIVE JUROR NO. 464: Yes, I will do my best
25 to do that.

1 THE COURT: Okay. Well, can you give me a
2 commitment that you'll do that?

3 PROSPECTIVE JUROR NO. 464: 100 percent.

4 THE COURT: Okay, thank you, sir. Anyone else?
5 Okay, the record will reflect no further response from the
6 panel.

7 At this time, the State of Nevada may voir dire the
8 panel.

9 MR. PESCI: Thank you. Your Honor, would it be all
10 right if I move the --

11 THE MARSHAL: Hang on.

12 MR. PESCI: Okay.

13 THE COURT: Of course.

14 MR. PESCI: Okay. Ladies and gentlemen, you can see
15 from the fact that I have to put this on that getting a clear
16 record is extremely important for this whole process. So we
17 apologize. A couple of times, for some of you, we've kind of
18 gone back and said, what is your answer, or something of that
19 nature. That's because this woman over here on your far left
20 is recording everything, and then, later on, someone has to
21 listen and transcribe everything.

22 So we might in a kind of awkward fashion say to you,
23 what was that answer, or just kind of ask you to repeat again
24 so it's really clear for the record. It's kind of different
25 from normal conversation, but that's why we have to do that.

1 Going to ask questions to the entire panel, and then
2 we'll ask some individual questions. I want to start off just
3 by saying, this is nothing civil, right? This is all
4 criminal, okay? 27 or 29 times sued?

5 PROSPECTIVE JUROR NO. 546: 29.

6 MR. PESCI: 29? Okay. This is all criminal, and
7 nothing to do with civil, so hopefully that puts you a little
8 bit at ease.

9 There are some concepts that the Court went over at
10 the beginning or in the questioning. And one of the ones that
11 I wanted to ask all of you, and then hopefully you'll
12 individually answer if someone has an opinion, does anybody
13 have a reason why they could not sit in judgment of another
14 human being?

15 The Court has explained that you're going to be the
16 judges of the fact. The Judge is the judge of the law here,
17 but at the end of the day, 12, 14 of you are selected as
18 jurors, and you're going to be the judge of the facts, and
19 that is judging whether the State of Nevada proved the case,
20 which will affect the defendants based on your decision.

21 Does anybody have any religious, philosophical, or
22 reason why they cannot sit in judgment of another human being?
23 There was a hand --

24 THE COURT: You're not on the panel of 32. These
25 questions are just for the panel of 32.

1 MR. PESCI: So I apologize, ma'am. We're going with
2 this group. You could get in there eventually, so if you do,
3 we'll follow up, okay? Thank you.

4 Anybody else have a response to any of that? Okay.
5 So no one -- as you sit here today, no one has a reason that
6 they could not sit in judgment of another human being; is that
7 correct? Okay, all right.

8 In this case, the allegation is that there is a
9 deadly weapon used during the process of the crimes. The
10 attempt robbery is with the use of a deadly weapon, the murder
11 is with use of a deadly weapon, the victim was shot and
12 killed.

13 Some people have beliefs about weapons such that it
14 could affect their ability to be fair or impartial. One thing
15 to understand, and I think the Court's made it very clear,
16 whatever your opinion is is your opinion. So there's not a
17 right or a wrong one; there's just a problem if we're not
18 honest with each other, because then we don't know what's
19 really going on.

20 So does anybody have any strong feelings about
21 firearms such that it would affect your ability to be fair and
22 impartial?

23 Okay. I'm going to pick on you, sir, because you
24 have the microphone. Plus, you're a gunsmith, if I
25 understood, by trade.

1 PROSPECTIVE JUROR NO. 464: Correct.

2 MR. PESCI: All right. Now, this is the kind of
3 awkward portion. Your badge number?

4 PROSPECTIVE JUROR NO. 464: 464, Jeff O'Brien.

5 MR. PESCI: Thank you very much, Mr. O'Brien. So if
6 I'm understanding you correctly, you don't currently work as a
7 gunsmith?

8 PROSPECTIVE JUROR NO. 464: I am doing some
9 part-time, but right now, I'm running a contract, so it takes
10 me away from that work.

11 MR. PESCI: Okay. And then, the contract, what is
12 that contract?

13 PROSPECTIVE JUROR NO. 464: I can't discuss that.

14 MR. PESCI: Okay. Is it -- well, I'm going to ask a
15 question. If you can't discuss it, don't. Is it something
16 with the military?

17 PROSPECTIVE JUROR NO. 464: Affirmative.

18 MR. PESCI: Okay, all right. In your capacity as a
19 gunsmith, do you deal with individuals when they come into the
20 store to purchase a firearm, or are you just involved with
21 maybe repairs of firearms?

22 PROSPECTIVE JUROR NO. 464: Basically, doing
23 upgrades, repairs, that sort of thing.

24 MR. PESCI: Okay. So, as far as if someone comes in
25 to purchase a firearm, and their background is checked, are

1 you involved with running that person to --

2 PROSPECTIVE JUROR NO. 464: I know how to do that
3 process, but I try to stay away -- far away from that. I
4 don't --

5 MR. PESCI: Okay.

6 PROSPECTIVE JUROR NO. 464: -- go anywhere near
7 customers, if possible.

8 MR. PESCI: All right. So other individuals usually
9 handle that portion of it?

10 PROSPECTIVE JUROR NO. 464: Yes.

11 MR. PESCI: Okay, thank you very much. Anybody else
12 as far as questions or concerns about firearms? And this
13 includes you two gentlemen over there, too. You're still in
14 the 32, okay? All right.

15 Now, there was also a question and some comments
16 about following the law. And I'm going to ask if you could
17 pass the microphone to your right. And then, if we could move
18 it down just further, all the way down to Ms. Young. We'll go
19 individually with you, and then kind of collectively to the
20 group.

21 I apologize for asking specific questions, but you
22 have a personal experience with the criminal justice system,
23 so I got to follow up. If I understood correctly, you said
24 sometimes the law is unfair in certain ways. What do you feel
25 is unfair about the law?

1 PROSPECTIVE JUROR NO. 485: I guess -- I mean,
2 though, any experience I had was with my brother-in-law.

3 MR. PESCI: Okay. Maybe I'll ask some questions
4 about that, then we'll kind of get back to those specifics.
5 If I've understood correctly, it was in federal court?

6 PROSPECTIVE JUROR NO. 485: Yes.

7 MR. PESCI: Here in Las Vegas?

8 PROSPECTIVE JUROR NO. 485: Yes.

9 MR. PESCI: Okay. And then, do you know, was there
10 a trial like this, or was there a plea agreement?

11 PROSPECTIVE JUROR NO. 485: No. No, he didn't want
12 to do a trial.

13 MR. PESCI: Okay, so there was a plea entered?

14 PROSPECTIVE JUROR NO. 485: Yes.

15 MR. PESCI: Okay. And then, you're saying that he's
16 serving his time in Colorado?

17 PROSPECTIVE JUROR NO. 485: Yes.

18 MR. PESCI: Okay. Did you feel as if that plea was
19 unfair, or maybe him serving in Colorado was unfair? I'm just
20 trying to kind of follow up and figure out -- it's okay. All
21 right, I apologize.

22 PROSPECTIVE JUROR NO. 485: I -- like I said, he --
23 what drove him to do it, like, I don't -- he is a good person
24 and he just went down a bad road.

25 MR. PESCI: Okay.

1 PROSPECTIVE JUROR NO. 485: So I think they could
2 have -- I think they could have, you know, like, maybe let him
3 come out and put a device on him or something.

4 MR. PESCI: So is it --

5 PROSPECTIVE JUROR NO. 485: I just didn't agree with
6 the whole serving time.

7 MR. PESCI: Okay. So was it maybe the sentence that
8 he got that you are unhappy with?

9 PROSPECTIVE JUROR NO. 485: Yeah, because he was --
10 like I said, he was -- you know, it was -- he had a gambling
11 problem.

12 MR. PESCI: Okay.

13 PROSPECTIVE JUROR NO. 485: So that's what got him
14 --

15 MR. PESCI: All right, we'll shift away from that.
16 Sorry.

17 PROSPECTIVE JUROR NO. 485: Yes.

18 MR. PESCI: You talked about your work, right? And
19 I apologize, because I don't want to make this emotional, too.
20 But you're missing out on the opportunity as far as, as you
21 described it, being able to shine with a boss coming into
22 town?

23 PROSPECTIVE JUROR NO. 485: Yeah, we had -- we had a
24 big visit today.

25 MR. PESCI: Okay.

1 PROSPECTIVE JUROR NO. 485: And out of five people
2 -- out of five people, I was picked to run two areas, and that
3 is like my on-job training. I've worked hard for it. While I
4 know -- I understand I have to be here, I just -- you know, it
5 was a date, and I wanted to show them that I could do it.

6 MR. PESCI: Was that date -- and this is what I'm
7 trying to get to, I apologize.

8 PROSPECTIVE JUROR NO. 485: Um-hum.

9 MR. PESCI: Was that date today, or was it a date --

10 PROSPECTIVE JUROR NO. 485: It's today. It was
11 today.

12 MR. PESCI: Okay. Is it just today, or are there
13 more days where this is going to occur?

14 PROSPECTIVE JUROR NO. 485: No, it was just for
15 today, so I went in early this morning so I could get
16 everything done.

17 MR. PESCI: Okay. And only you can answer this,
18 ma'am. The fact that you missed out on this opportunity
19 today, will that remain in your mind throughout the trial,
20 assuming you're selected, such that it might make it difficult
21 for you to serve as a juror?

22 PROSPECTIVE JUROR NO. 485: Yes.

23 MR. PESCI: Okay. Would it be something that would
24 distract your attention, or how would it affect you?

25 PROSPECTIVE JUROR NO. 485: Because I'm going to be

1 worrying about my areas the whole time. You know, I really
2 don't have anybody to cover it, because, you know, like I
3 said, it was given to me. You know, I'm -- I have all these
4 people in line that I'm supposed to, you know, give direction
5 to.

6 MR. PESCI: Okay.

7 PROSPECTIVE JUROR NO. 485: I just would be worried
8 about it because, you know, like I said, I've worked hard for
9 it. I -- I wanted to be there today so that I could -- you
10 know.

11 MR. PESCI: I'm sorry, ma'am. I apologize.

12 PROSPECTIVE JUROR NO. 485: No.

13 MR. PESCI: Let me shift gears a little bit, and
14 then maybe we'll take the microphone out of your hand.

15 PROSPECTIVE JUROR NO. 485: Yeah. Sorry.

16 MR. PESCI: Okay, it's okay. So last thing, and
17 then we'll kind of segue to everybody else. I think you said
18 -- just kind of goes in and out sometimes -- that you could
19 follow the law, even if you didn't agree with it?

20 PROSPECTIVE JUROR NO. 485: Yeah, because you know,
21 I don't want to -- I don't want to be in jail. Like, I --

22 MR. PESCI: No one's going to jail, don't worry.

23 PROSPECTIVE JUROR NO. 485: No, I'm just saying,
24 that's why, you know, I follow the law. I don't want to --

25 MR. PESCI: Okay.

1 PROSPECTIVE JUROR NO. 485: You know, I've never
2 been in trouble, so.

3 MR. PESCI: Okay. So stepping back to kind of
4 everyone, this concept of following the law, right? The Court
5 asked, can you follow the law, even if you don't necessarily
6 agree with it? And I'll kind of try to put this in context,
7 and this will somewhat date me.

8 When I first started doing this for a living,
9 marijuana was illegal. Now, it is legal. And so people's
10 feelings about marijuana have changed, evolved, but there are
11 many people years ago who thought it should be legal. And if
12 it was a case about marijuana, the law was, you can't have it,
13 it's illegal. So the issue was, you know, can you follow the
14 law, even if you personally think, hey, marijuana should be
15 legalized, right? That's kind of the backdrop, an example.

16 So do any of you have feelings such that you feel
17 the law might be X, but I think it should be Y, and because I
18 think it should be Y, I'm not going to follow X? Does anybody
19 have trouble following the law, even if you don't agree with
20 it? Nobody's shaking their head yes. We'll take that as a
21 no. Anybody want to add anything to that? Okay.

22 PROSPECTIVE JUROR NO. 410: I do.

23 MR. PESCI: All right, thank you. So if we could
24 pass it back. This is Mr. McGinty, and then your badge
25 number?

1 PROSPECTIVE JUROR NO. 410: 410.
2 MR. PESCI: Did I say that right?
3 PROSPECTIVE JUROR NO. 410: Yes.
4 MR. PESCI: Okay, thank you. Sir?
5 PROSPECTIVE JUROR NO. 410: Yeah, Sean McGinty, 410.
6 Are you specifically referring to the crime and the laws that
7 were potentially broken in this specific case, or in general?
8 MR. PESCI: Well, you know, specifically in this
9 case. So the charges are conspiracy to commit robbery,
10 attempted robbery with use of a deadly weapon, and murder with
11 use of a deadly weapon. Now, I actually can't get into that
12 now. The Judge will give the law later on, right?
13 PROSPECTIVE JUROR NO. 410: I'm not asking you to.
14 I'm -- when -- you're generalizing, do we believe in the law
15 and recitation of such. So are you specifically asking us as
16 the panel related to these charges, or in general?
17 MR. PESCI: I would say specific to these charges,
18 but there are some generalities that kind of overarch all
19 cases, no matter what the charges are.
20 Here's kind of an example, and maybe this will help
21 you with your answer. There is a presumption of innocence
22 that, in our system, everyone is presumed innocent until and
23 unless we, the State of Nevada, can prove someone guilty. And
24 that kind of overarches all cases, even if it's not these
25 charges. Some people agree with that, some people don't.

1 So with that backdrop, is there something more that
2 you wanted to add as far as these specific charges and/or kind
3 of overall?

4 PROSPECTIVE JUROR NO. 410: No, as long as we're
5 talking specific charges, then that's fine.

6 MR. PESCI: Anything about these charges that you
7 think you'd have difficulty following the law?

8 PROSPECTIVE JUROR NO. 410: Not with these charges.

9 MR. PESCI: Okay. Are there other charges that you
10 would?

11 PROSPECTIVE JUROR NO. 410: Not that I would like to
12 discuss.

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

14 PROSPECTIVE JUROR NO. 410: Not that I'd like to
15 discuss.

16 THE COURT: Okay, but --

17 PROSPECTIVE JUROR NO. 410: I mean, we're talking
18 Pandora's Box, right? I mean, we're talking generalities.
19 You're talking a million-and-something laws. So we all have
20 opinions on laws, and what is, and what we believe in, and
21 what should be, and where's gray, and where's right and left,
22 right?

23 THE COURT: Okay, that --

24 PROSPECTIVE JUROR NO. 410: Right?

25 THE COURT: That's right, and I --

1 PROSPECTIVE JUROR NO. 410: So.

2 THE COURT: I would agree with you, but what I need
3 is I need jurors that will commit to me, and the Court, and
4 the lawyers before we start that you will follow the law as
5 given to you by the Court, even if you disagree with it.

6 PROSPECTIVE JUROR NO. 410: Yeah, that's -- as I
7 stated, yes. As it tends to this particular case, absolutely,
8 100 percent.

9 THE COURT: Okay.

10 MR. PESCI: All right, I'm going to follow up.
11 Maybe the Judge will stop me, we'll see what happens. Let's
12 talk about Pandora's Box in a criminal context, right? Do you
13 have some strong feelings about criminal charges? Is that the
14 box we're talking about, or other ones, like this poor
15 gentleman who's been sued 29 times?

16 PROSPECTIVE JUROR NO. 410: Yeah, I don't think that
17 the charges are as harsh as they should be, or the
18 convictions, and what typically a convicted criminal -- for
19 either the time served, or --

20 MR. PESCI: Okay.

21 PROSPECTIVE JUROR NO. 410: -- the resulting
22 conviction, you know, parole, and -- no, I don't think that
23 it's harsh enough.

24 MR. PESCI: Okay. So that's a good point to bring
25 up. I appreciate it. And the Court has explained the jury is

1 not going to be involved in any way, shape, or form with the
2 actual sentencing portion, if we even were to get there. So
3 the jury's decision, the people that serve on this jury, will
4 only be as to guilt or someone being not guilty.

5 PROSPECTIVE JUROR NO. 410: Right.

6 MR. PESCI: So there won't be anything about
7 sentencing or time, things of that nature. Knowing that,
8 would that affect your ability to be fair and impartial?

9 PROSPECTIVE JUROR NO. 410: No.

10 MR. PESCI: Okay. Thank you very much, sir. Wanted
11 to also ask a question that seems a little bit out of left
12 field, and then we'll go to some specific people.

13 So, at times, you may see the prosecutors or maybe
14 even defense counsel sometimes on their cell phones, right?
15 In today's age, everybody seems to be on their cell phone. We
16 have to -- the prosecution, we have to kind of set up
17 witnesses. We got to try to line people up for tomorrow; the
18 day after. Sometimes we might be on our phones, trying to
19 tell witnesses, hey, we need you here, we need you then.

20 Is anybody going to have a problem if you see us on
21 our phones, to think that we're being -- you know, we're just
22 distracted, we're not paying attention, we don't care? Will
23 anybody have a problem with that?

24 PROSPECTIVE JUROR NO. 410: Not as long as I can be
25 on my phone, too.

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on February 8, 2024. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON FORD
Nevada Attorney General

ALEXANDER CHEN
Chief Deputy District Attorney

/s/ Steven S. Owens
STEVEN S. OWENS, ESQ.