

1 MR. PETERSON: Are you a different  
2 person today than back when you did those things?

3 PROSPECTIVE JUROR GAMBOA: I try to  
4 teach my kids not to do things I did.

5 MR. PETERSON: You believe a person can  
6 change like that?

7 PROSPECTIVE JUROR GAMBOA: Oh, yes.

8 MR. PETERSON: Two boys are out of the  
9 house, and four kids at home.

10 What are the genders of your four at home?

11 PROSPECTIVE JUROR GAMBOA: I've got  
12 three boys and one girl. And I also have another girl and  
13 her two small kids, and she's pregnant right now that I'm  
14 taking care of too.

15 MR. PETERSON: How is it you came to be  
16 taking care of them?

17 PROSPECTIVE JUROR GAMBOA: It was a  
18 friend of my wife's, but her mother kicked her out and her  
19 boyfriend took off, and I couldn't see the kids on the  
20 street so I'm supporting them too.

21 MR. PETERSON: You're working and  
22 paying the bills for your family, and your partner stays  
23 at home.

24 What's your level of participation with  
25 raising the kids?

1 PROSPECTIVE JUROR GAMBOA: For pretty  
2 much everything. Because she's -- it's hard to explain  
3 how she is. Like at school and stuff when they have IP  
4 meetings, I've been in court with my different kids.

5 Any time with anything at school, they  
6 automatically contact me. I take care of everything as  
7 far as them getting education and everything else.

8 MR. PETERSON: Have any of your  
9 children gotten in trouble? And the reason I ask it is,  
10 have they ever had any trouble with the Clark County  
11 District Attorney's Office?

12 PROSPECTIVE JUROR GAMBOA: They are all  
13 juveniles. One boy now works with me at my work. He had  
14 different problems with this one gang when he went to  
15 Basic for a while. He got caught with a knife one time,  
16 and he had bought a gun, and the gun didn't even work but  
17 he got arrested for that. We went through that.

18 And we had my one boy that had some weed in  
19 his pocket and he got arrested. We went through that.  
20 And I had my little one that found some at the one school  
21 and sold it to a friend of his, so I went through and got  
22 him through everything. So they're all doing pretty good.

23 MR. PETERSON: Is there anything that  
24 results from either your experience some 20 years ago, or  
25 from supervising your various children and charges, is

1 there anything for the fact that they were prosecuted by  
2 our office that's going to cause a problem for  
3 Ms. Goettsch or I being representatives for the State in  
4 this case?

5 PROSPECTIVE JUROR GAMBOA: No.

6 MR. PETERSON: You said that you might  
7 not be able to be fair or impartial. I just want to make  
8 sure your mind is a clean slate today as you sit there.

9 Would you agree with that?

10 PROSPECTIVE JUROR GAMBOA: Right.

11 MR. PETERSON: You're going to hear  
12 evidence from both sides and probably at some point come  
13 to a conclusion one way or the other?

14 PROSPECTIVE JUROR GAMBOA: See, I've  
15 never -- I'm just trying to be honest, that's all.

16 MR. PETERSON: Pass for cause.

17 THE COURT: Thank you.

18 Defense counsel?

19 MR. BLOOM: Thank you, Your Honor.

20 Good afternoon, Mr. Gamboa. I don't know  
21 how well you know Judge Mosley and how often you see him,  
22 but as he said, he is going to be making the legal  
23 decisions in this case. This is his courtroom.

24 But when it comes time for deciding the  
25 facts in this case, if you were on the jury you are

1 obligated, or would be required to make your own  
2 independent decision, whatever that is.

3 PROSPECTIVE JUROR GAMBOA: Right.

4 MR. BLOOM: Do you feel you can do  
5 that?

6 PROSPECTIVE JUROR GAMBOA: I'm pretty  
7 sure I can. I've always told different people at my work,  
8 because I run the yard and everything else, and I always  
9 told them, I said, you come to work for me, we're friends  
10 outside, but at work business is business. That's what I  
11 always believed.

12 MR. BLOOM: Your job in here would be  
13 to follow the law and apply the facts.

14 PROSPECTIVE JUROR GAMBOA: Yes.

15 MR. BLOOM: Thank you, Mr. Gamboa. No  
16 other questions. We do pass for cause.

17 THE COURT: Is it Miss or Mrs. Winton?

18 PROSPECTIVE JUROR WINTON: Mrs.

19 THE COURT: Would you tell us, please,  
20 of your employment, the number of children you may have,  
21 and how long you've lived in Clark County.

22 PROSPECTIVE JUROR WINTON: I'm  
23 currently not employed. I'm married, I have one son who  
24 is 16. I've lived here for 26 years.

25 THE COURT: Have you worked outside the

1 home here in Clark County?

2 PROSPECTIVE JUROR WINTON: I have.

3 THE COURT: What have you done?

4 PROSPECTIVE JUROR WINTON: I've been a  
5 cashier at Walmart. I've done casino work, change person,  
6 booth cashier and cage cashier, cage supervisor.

7 THE COURT: Your husband's occupation?

8 PROSPECTIVE JUROR WINTON: He works at  
9 Sunset Station as a shift supervisor.

10 THE COURT: What other kinds of work,  
11 if any, has he had since you've lived in Clark County?

12 PROSPECTIVE JUROR WINTON: That's all;  
13 there and at the Aladdin, the same type of work.

14 THE COURT: You've been here 27 years?

15 PROSPECTIVE JUROR WINTON: Twenty-six  
16 years.

17 THE COURT: Have you been here with  
18 your husband all that time?

19 PROSPECTIVE JUROR WINTON: No. My  
20 husband and I have been married ten years. My son's  
21 father is a different person, but it's all taken place  
22 here in Clark County.

23 THE COURT: And the occupation your  
24 son's father?

25 PROSPECTIVE JUROR WINTON: He is an

1 electronics technician at the MGM, the audio and video  
2 cameras, things like that.

3 THE COURT: Where did you move from 26  
4 years ago?

5 PROSPECTIVE JUROR WINTON: Illinois.

6 THE COURT: What city?

7 PROSPECTIVE JUROR WINTON: Outside of  
8 Chicago, a city called Prospect Heights.

9 THE COURT: Is that where you grew up?

10 PROSPECTIVE JUROR WINTON: Yes.

11 THE COURT: Were you employed there?

12 PROSPECTIVE JUROR WINTON: Central  
13 Telephone Company as a directory assistance operator.

14 THE COURT: Have you any prejudice as  
15 to the nature of the charge in this case?

16 PROSPECTIVE JUROR WINTON: No, sir.

17 THE COURT: Do you know any of the  
18 other prospective jurors?

19 PROSPECTIVE JUROR WINTON: No, sir.

20 THE COURT: Have you any racial  
21 prejudice?

22 PROSPECTIVE JUROR WINTON: No, sir.

23 THE COURT: Do you understand that an  
24 information is a mere accusation and not evidence, that  
25 the Defendant is presumed to be innocent until proven

1 guilty, and that the State has the burden of proving the  
2 defendant's guilt beyond a reasonable doubt?

3 PROSPECTIVE JUROR WINTON: Yes, sir.

4 THE COURT: If you were charged with an  
5 offense similar to the one that's alleged in this case, or  
6 if you were prosecuting this case, would you want 12  
7 individuals such as yourself to be on your jury?

8 PROSPECTIVE JUROR WINTON: Yes.

9 THE COURT: Do you know of any reason  
10 at all why you cannot be completely fair and completely  
11 impartial in hearing this matter?

12 PROSPECTIVE JUROR WINTON: No, sir

13 THE COURT: These proceedings may be  
14 conducted in two segments. First, the jury will determine  
15 if the defendant is guilty. Punishment would not be  
16 considered at that time.

17 Second, if the jury finds the defendant  
18 guilty of first degree murder, then the law of this state  
19 requires that the jury set the punishment. I would set a  
20 date for a hearing on the subject of punishment; do you  
21 understand?

22 PROSPECTIVE JUROR WINTON: Yes.

23 THE COURT: In the State of Nevada  
24 under these circumstances, there are two possible forms of  
25 punishment that the jury may consider; life imprisonment

1 without the possibility of parole, or life imprisonment or  
2 a term of 50 years with the possibility of parole.

3 Do you understand that?

4 PROSPECTIVE JUROR WINTON: Yes, sir.

5 THE COURT: In your present state of  
6 mind, could you consider fairly both possible forms of  
7 punishment and select the one that you feel is most  
8 appropriate?

9 PROSPECTIVE JUROR WINTON: Yes, sir.

10 THE COURT: Questions from the State?

11 MS. GOETTSCH: Yes.

12 Your son's father, were you married to him?

13 PROSPECTIVE JUROR WINTON: Yes, I was.

14 MS. GOETTSCH: And I take it you were  
15 divorced?

16 PROSPECTIVE JUROR WINTON: Yes.

17 MS. GOETTSCH: Was that a particularly  
18 difficult divorce, or was it amicable?

19 PROSPECTIVE JUROR WINTON: I'd say on  
20 the whole, amicable. It was difficult just for a teeny  
21 bit of time, but it as amicable.

22 MS. GOETTSCH: And you are on good  
23 terms today?

24 PROSPECTIVE JUROR WINTON: Absolutely.

25 MS. GOETTSCH: You've lived here 26



1 years and never served as a juror?

2 PROSPECTIVE JUROR WINTON: No.

3 THE COURT: Have you been called?

4 PROSPECTIVE JUROR WINTON: I have, but  
5 not until my son was born when he was little.

6 MS. GOETTSCH: Thank you. I have no  
7 further questions. I pass for cause.

8 THE COURT: Thank you.

9 Defense counsel?

10 MR. BLOOM: Thank you.

11 Good afternoon, Ms. Winton. With regard to  
12 the last point the Court asked you about the penalty, you  
13 understand you might not get to such a point, but if do  
14 you get to such a point, do you feel you would have  
15 difficulty in making that decision?

16 PROSPECTIVE JUROR WINTON: No, sir.

17 THE COURT: You mentioned that you were  
18 working in the home, not working outside the home right  
19 now?

20 PROSPECTIVE JUROR WINTON: That is  
21 correct.

22 MR. BLOOM: How long has that been?

23 PROSPECTIVE JUROR WINTON: Since  
24 October of '03.

25 MR. BLOOM: Recently?

1 PROSPECTIVE JUROR WINTON: Yes.

2 MR. BLOOM: Was there any particular  
3 reason? I'm not trying to get into details, I'm trying to  
4 appreciate and be polite. Is there any reason?

5 PROSPECTIVE JUROR WINTON: No; personal  
6 choice. My income was no longer required and I chose not  
7 to work.

8 MR. BLOOM: Thank you. Pass for cause.

9 THE COURT: Counsel, approach the  
10 bench, please.

11 (Whereupon, counsel conferred with the Court.)

12 THE COURT: Ladies and gentlemen, you  
13 who have not been called at this juncture, I'm going to  
14 read to you the admonition as is required to be read every  
15 time we recess.

16 Let me make a brief comment and let you  
17 leave, because the way sometimes with the setup here, I  
18 don't think we're going to need you the rest of the day so  
19 there's no sense in you sitting here. So I will have you  
20 leave, and let me read you the admonition which is  
21 required to be read each time we recess.

22 "It is your duty not to discuss among  
23 yourselves, or with anyone else, any subject connected  
24 with the trial; or read, watch or listen to any report of,  
25 or commentary on the trial or any person connected with

1 the trial by any medium of information, including without  
2 limitation, newspapers, television and radio; or form or  
3 express any opinion on any subject connected with the  
4 trial until the cause is finally submitted to you."

5 Let me suggest to you, ladies and gentlemen,  
6 that this does not mean you can't be sociable with one  
7 another, and this is addressing all of you. You can go to  
8 lunch together before court tomorrow, however you might  
9 want to associate with each other.

10 I like to suggest that if it happened in  
11 this room, it probably shouldn't be discussed, even though  
12 it seems inconsequential. You'd be surprised how quickly  
13 it can develop into something that's a problem.

14 I might also warn you that we work in a very  
15 small area here in the courtroom. It's not a very good  
16 design, actually. As you come and go, you want to be  
17 careful as to who you might run into outside there in the  
18 hallway that wants to talk.

19 Because we're talking about witnesses, or  
20 relatives, parents. You don't know who you're going to  
21 run into out there, and pretty soon we've got a real  
22 problem.

23 I might also tell you that you may see the  
24 attorneys when you come back, or throughout the time and  
25 you may say: Good afternoon, Mr. Bloom or Ms. Navarro,

1 and they may well ignore you. It's not that they're being  
2 rude. It's the fact that as officers of the Court they  
3 are very definitely governed by what I just read.

4 So, again, I cannot overemphasize the  
5 importance of what I just read you. Should there be a  
6 violation, I would have to declare a mistrial, and  
7 everything we have done up to that point would be of  
8 waste, whether it be tomorrow or two weeks from tomorrow.

9 Some of you can see the real potential for a  
10 problem, so keep that in mind, please.

11 One last thing. I like to tell people on  
12 the first day that when you go home it wouldn't be unusual  
13 for your friends or family members to ask you what  
14 happened in court today. It's a logical question, you  
15 don't go to court every day.

16 Please refrain from discussing it with them.  
17 Not only is it very definitely the law, but perhaps more  
18 importantly, it's just basic fairness. If you were the  
19 defendant or if you were the Prosecutor in this case, you  
20 would want decisions from the jury based on what happens  
21 here in court, not what somebody's neighbor thinks, or  
22 their wife or their son. You can see that.

23 Very soon, relatively soon you'll be able to  
24 discuss this with anyone at length that you care to, so  
25 please keep that in mind.

1 We will start promptly at 1:30 each day.

2 MR. BLOOM: May we approach for a  
3 moment, please?

4 THE COURT: You may.

5 (Whereupon, counsel conferred with the Court.)

6 THE COURT: Mr. Bloom did not come to  
7 the bench to suggest we won't start promptly, and we will.  
8 That's important, particularly as we go along if one of us  
9 is not here, we just sit and can't go any further.

10 There's a point that he's making which is a  
11 very good one, and the Prosecutors echo this. This case  
12 could well have some media attention on the 6:00 o'clock  
13 news and the 5:00 o'clock news.

14 It might come on the TV and you might not  
15 even be prepared for the news to be there, or in the paper  
16 headlines or something. If you should see that in the  
17 paper or hear something about that, it would be your  
18 responsibility to leave the room out of the earshot of the  
19 TV or radio, and certainly not look at the paper.

20 Because I guess I was serious with the  
21 gentleman earlier about the accuracy of newspaper  
22 accounts, and I am. I've read things about trials I had,  
23 and I didn't recognize the trial.

24 You don't want to get your information from  
25 something you read about, and it's just not fair. Please

1 keep it in mind. I'm going to let you folks get ahead of  
2 the traffic a little bit. Thank you.

3 (Whereupon, uncalled prospective jurors were  
4 excused for the day and left the courtroom.)

5 THE COURT: It's Miss or Mrs. Milovich?

6 PROSPECTIVE JUROR MILOVICH: Mrs.

7 THE COURT: And I recall your  
8 occupation, but tell us more about current employment, the  
9 number of children you may have, and how long you've lived  
10 in Clark County?

11 PROSPECTIVE JUROR MILOVICH: I've lived  
12 in Clark County off and on five years, and I'll explain  
13 that. I'm married and I have had this job for two weeks.  
14 And as I said earlier, that is a specialized job.

15 I'm not a specialist, but a classroom  
16 teacher in the fall. This is the position. I work at an  
17 elementary school teaching English and second language  
18 children and, as I said, third and fourth graders reading  
19 at a second grade level.

20 THE COURT: Are you bilingual?

21 PROSPECTIVE JUROR MILOVICH: A lot of  
22 them are. I am not, they are.

23 THE COURT: You say you've been a  
24 teacher two weeks?

25 PROSPECTIVE JUROR MILOVICH: I just

1 went to college -- it's a career change for me. I went to  
2 college this past year and didn't work, and I am the sole  
3 bread winner in my family. And then I substitute taught  
4 last month, got hired on March 2nd, my first date. I have  
5 not worked for money for a year.

6 THE COURT: Your husband's occupation?

7 PROSPECTIVE JUROR MILOVICH: He's  
8 disabled.

9 THE COURT: He does not work?

10 PROSPECTIVE JUROR MILOVICH: He does a  
11 couple of side jobs. He has a chronic bad back, so he's  
12 basically a house husband.

13 THE COURT: And, I'm sorry, do you have  
14 children?

15 PROSPECTIVE JUROR MILOVICH: No  
16 children.

17 THE COURT: Any other work? You  
18 mentioned you substitute taught and currently teach. Any  
19 other work here in Clark County?

20 PROSPECTIVE JUROR MILOVICH: I worked  
21 as a food server for the Cheese Cake Factory, and worked  
22 in an oral surgeon's office as a front desk person. And  
23 in California where I'm from I worked in a dental office.

24 We moved here in '99, and I didn't work for  
25 three months. I got the job at the dental office for a

1 couple weeks, but really decided I wanted to go in the  
2 food service business.

3 And in the meanwhile I decided it was too  
4 hard to live here financially. My old job hired me back  
5 in California, and I worked there for two years. My  
6 mother-in-law said you'd be a great teacher, so I moved  
7 back here and went to school for a year and just  
8 graduated.

9 THE COURT: Where are you from  
10 originally?

11 PROSPECTIVE JUROR MILOVICH: San  
12 Francisco.

13 THE COURT: You grew up there?

14 PROSPECTIVE JUROR MILOVICH: Born and  
15 raised in San Francisco.

16 THE COURT: Have you any prejudice as  
17 to the nature of the charge, ma'am?

18 PROSPECTIVE JUROR MILOVICH: No.

19 THE COURT: Do you know any of the  
20 other prospective jurors?

21 PROSPECTIVE JUROR MILOVICH: No.

22 THE COURT: Have you any racial  
23 prejudice?

24 PROSPECTIVE JUROR MILOVICH: No.

25 THE COURT: Do you understand that an



1 Information is a mere accusation and not evidence, that  
2 the Defendant is presumed to be innocent until proven  
3 guilty, and that the State has the burden of proving the  
4 defendant's guilt beyond a reasonable doubt?

5 PROSPECTIVE JUROR MILOVICH: Yes

6 THE COURT: If you were charged with an  
7 offense similar to the one that's alleged in this case, or  
8 if you were prosecuting this case, would you want 12  
9 individuals such as yourself to be on your jury?

10 PROSPECTIVE JUROR MILOVICH: Yes.

11 THE COURT: Do you know of any reason  
12 at all why you could not be completely fair and completely  
13 impartial in hearing this matter?

14 PROSPECTIVE JUROR MILOVICH: As a juror  
15 I can be fair, but right now I have to be very honest with  
16 you. As a new employee and my own priority, I know not  
17 everyone else is being a new teacher, but being a new hire  
18 and having to earn a living for myself and my husband, I  
19 am concerned and very anxious about -- I know it's my  
20 civic duty to be on a jury, but I am very anxious about  
21 missing three weeks of work to be on the jury.

22 THE COURT: Could you not work in the  
23 morning?

24 PROSPECTIVE JUROR MILOVICH: I can work  
25 part-time in the morning, but the way the substitutes

1 work, you get a sub for the whole day because the school  
2 needs to have a body in the school, even though they're  
3 not doing my position.

4 So, yes, we can get a substitute, but now  
5 kids are going to have another three weeks to start the  
6 reading program, and I don't think, with no disrespect  
7 meant, that's not fair to them.

8 THE COURT: I understand what you're  
9 saying. But you would concede that if you were selected  
10 as a juror, could you put your mind to business and take  
11 care of the job?

12 PROSPECTIVE JUROR MILOVICH: Yes.  
13 Legally I could, but you can see where my issue is. Right  
14 now I feel that I should be in the classroom teaching the  
15 kids.

16 THE COURT: I understand.

17 These proceedings may be conducted in  
18 two segments. First, the jury will determine if the  
19 defendant is guilty. Punishment would not be considered  
20 at that time.

21 Second, if the jury finds the defendant  
22 guilty of first degree murder, then the law of this state  
23 requires that the jury set the punishment. I would set a  
24 date for a hearing on the subject of punishment; do you  
25 understand?

1 PROSPECTIVE JUROR MILOVICH: Yes.

2 THE COURT: In the State of Nevada  
3 under these circumstances, there are two possible forms of  
4 punishment that the jury may consider; life imprisonment  
5 without the possibility of parole, or life imprisonment or  
6 a term of 50 years with the possibility of parole.

7 Do you understand that?

8 PROSPECTIVE JUROR MILOVICH: Yes.

9 THE COURT: In your present state of  
10 mind, could you fairly consider both possible forms of  
11 punishment and select the one that you feel is most  
12 appropriate?

13 PROSPECTIVE JUROR MILOVICH: Given that  
14 I already teach --

15 THE COURT: Ma'am, I understand you  
16 want to teach. Can you answer my question?

17 PROSPECTIVE JUROR MILOVICH: My answer  
18 is yes.

19 THE COURT: Are there questions from  
20 the State?

21 MR. PETERSON: May we approach the  
22 bench, Judge?

23 (Whereupon, counsel conferred with the Court.)

24 THE COURT: You may inquire.

25 MR. PETERSON: Mrs. Milovich, I want to

1 ask you about something that you were talking to the Court  
2 about. This is a murder trial and when you're here, if  
3 you're selected as a juror, you're going to have to give a  
4 hundred percent of your attention to what you hear,  
5 starting with the what's coming out of the witness's  
6 mouth, coming out of the Judge's mouth. So 99 is not good  
7 enough, 98 is not good enough, 97 is not good enough.

8 I need to hear you say whether you can give  
9 a hundred percent of attention to what goes on here, or  
10 not.

11 PROSPECTIVE JUROR MILOVICH: I don't  
12 think I can give my hundred percent.

13 MR. PETERSON: Judge, motion for cause  
14 under the circumstances.

15 THE COURT: Mr. Bloom, any questions?

16 MR. BLOOM: Yes, Your Honor.

17 Let me deal with one thing first with regard  
18 to finances and so forth. Is there a financial hardship  
19 to you? Not to your employers and, of course, in respect  
20 to the kids. I understand that hardship.

21 But is there is a financial hardship to you  
22 if you remain here as a juror? Will you lose anything?

23 PROSPECTIVE JUROR MILOVICH: I don't  
24 know. As a new employee with the district, if you're a  
25 substitute teacher we don't get insurance benefits. You

1 get paid by the day.

2 Now I'm in a contract. I don't know the  
3 ramifications. Of course, as an employer they need to  
4 allow you to go to jury duty, and I got a sub for today to  
5 go to jury duty. But I don't know if they cut my pay  
6 because I'm on a three-week trial. I don't know the rules  
7 of the district yet.

8 MR. BLOOM: Could you make inquiry  
9 tomorrow morning, for example, to your boss or your  
10 principle or union representative, or whoever would get  
11 that information so you could make a determination if you,  
12 yourself, would suffer financially for ten days or so?  
13 But you could make that inquiry and find out?

14 PROSPECTIVE JUROR MILOVICH: I can tell  
15 you one thing though, not working the whole year because I  
16 was in school, I'm already down below the ground, because  
17 now I'm trying to recover financially.

18 MR. BLOOM: I understand. But could  
19 you inquire if they're going to continue to pay you or  
20 not?

21 PROSPECTIVE JUROR MILOVICH: Yes.

22 MR. BLOOM: Now, with regards to the  
23 other, your attention. If the Judge said the law -- if  
24 the Judge determined because of the rules of our state  
25 with regards to what are acceptable excuses for jurors, if

1 the Judge said: I'm sorry, that may be a hardship to your  
2 employer, and I understand that can affect your kids, but  
3 the law says that's not an acceptable excuse, we would ask  
4 you to be a juror.

5 If you were sworn as a juror, took an oath  
6 to follow instructions and pay attention to this case, at  
7 that point would you follow the law?

8 PROSPECTIVE JUROR MILOVICH: Yes. I  
9 would never break the law.

10 MR. BLOOM: If the law said you had to  
11 pay one hundred percent attention to this case, could you  
12 follow it?

13 PROSPECTIVE JUROR MILOVICH: Yes.  
14 After I've already gotten my answers about employment and  
15 pay and all that.

16 THE COURT: All right. I want you to  
17 inquire tomorrow and we'll discuss it more fully.

18 My understanding over the years is that a  
19 regular teacher continues to be paid. Now, your  
20 contractual situation may be different, and you didn't  
21 start until two weeks ago. So whenever that is, if you  
22 would inquire.

23 PROSPECTIVE JUROR MILOVICH: Am I going  
24 to be showing up tomorrow at 1:30?

25 THE COURT: Yes. And, counsel, it just

1 struck me there's no real reason to keep the back row.

2 MR. BLOOM: I agree, Your Honor.

3 MS. GOETTSCH: I agree.

4 THE COURT: Folks, you recall the  
5 admonition.

6 Counsel, are we agreed?

7 MS. GOETTSCH: Yes.

8 MR. BLOOM: Yes.

9 THE COURT: See you back tomorrow at  
10 1:30.

11 (Whereupon, the back row of jurors exited the courtroom.)

12 THE COURT: Mr. Miller, tell us,  
13 please, of your employment, your marital status, the  
14 number of children you may have, and how long you've lived  
15 in Clark County.

16 PROSPECTIVE JUROR MILLER: I'm a  
17 construction worker. I work right now for a company that  
18 does remodeling work. Before that I worked for a home  
19 builder, different home builders in town.

20 THE COURT: Is this full-time work?

21 PROSPECTIVE JUROR MILLER: Full time.

22 THE COURT: How long have you lived in  
23 Las Vegas?

24 PROSPECTIVE JUROR MILLER: Seven years.

25 THE COURT: Are you married?

1 PROSPECTIVE JUROR MILLER: Yes.

2 THE COURT: Children?

3 THE COURT: Two children, 13 and 9.

4 THE COURT: Is you wife employed  
5 outside the home?

6 PROSPECTIVE JUROR MILLER: Yes.

7 THE COURT: What does she do?

8 PROSPECTIVE JUROR MILLER: She's  
9 secretary for a company in town.

10 THE COURT: What kind of a company?

11 PROSPECTIVE JUROR MILLER: Bigelow  
12 Companies.

13 THE COURT: Is that a land company?

14 PROSPECTIVE JUROR MILLER: Yes. He  
15 owns all the Budget Suites and various other properties.

16 THE COURT: And have you been involved  
17 in construction the entire time you've lived here in Clark  
18 County?

19 PROSPECTIVE JUROR MILLER: Yes, sir.

20 THE COURT: Has your wife had any other  
21 kind of work?

22 PROSPECTIVE JUROR MILLER: Yes. She  
23 was an office manager for a landscaping company.

24 THE COURT: Where did you move from  
25 when you came here?



1 PROSPECTIVE JUROR MILLER: Reno,  
2 Nevada.

3 THE COURT: Were you employed there?

4 PROSPECTIVE JUROR MILLER: I was  
5 employed in construction. I lived there for five or six  
6 years.

7 THE COURT: Did you know your wife in  
8 those days?

9 PROSPECTIVE JUROR MILLER: Yes.

10 THE COURT: Was she working?

11 PROSPECTIVE JUROR MILLER: Yes. This  
12 is my second marriage.

13 THE COURT: I'm still talking about  
14 your current wife.

15 PROSPECTIVE JUROR MILLER: My current  
16 wife and I met in Las Vegas.

17 THE COURT: In Reno you were married to  
18 another woman?

19 PROSPECTIVE JUROR MILLER: Yes.

20 THE COURT: What was her occupation?

21 PROSPECTIVE JUROR MILLER: She was a  
22 bank branch manager.

23 THE COURT: And before moving to Reno,  
24 where did you live?

25 PROSPECTIVE JUROR MILLER: Santa Rosa,

1 California.

2 THE COURT: Is that where you're from?

3 PROSPECTIVE JUROR MILLER: No, sir. I  
4 am from a small town called Weed, California.

5 THE COURT: Were you working in Santa  
6 Rosa?

7 PROSPECTIVE JUROR MILLER: Yes, sir;  
8 construction also.

9 THE COURT: Any other kinds of work as  
10 an adult?

11 PROSPECTIVE JUROR MILLER: No.

12 THE COURT: Were you ever in the  
13 military?

14 PROSPECTIVE JUROR MILLER: No.

15 THE COURT: You grew up in Weed?

16 PROSPECTIVE JUROR MILLER: Yes.

17 THE COURT: How old were you when you  
18 left Weed?

19 PROSPECTIVE JUROR MILLER: Eighteen.

20 THE COURT: Have you any prejudice as  
21 to the nature of the charge in this case?

22 PROSPECTIVE JUROR MILLER: No.

23 THE COURT: Do you know any of the  
24 other prospective jurors?

25 PROSPECTIVE JUROR MILLER: No.

1 THE COURT: Have you any racial  
2 prejudice?

3 PROSPECTIVE JUROR MILLER: No.

4 THE COURT: Do you understand that an  
5 information is a mere accusation and not evidence, that  
6 the Defendant is presumed to be innocent until proven  
7 guilty, and that the State has the burden of proving the  
8 defendant's guilt beyond a reasonable doubt?

9 PROSPECTIVE JUROR MILLER: Yes.

10 THE COURT: If you were charged with an  
11 offense similar to the one that's alleged in this case, or  
12 if you were prosecuting this case, would you want 12  
13 individuals such as yourself to be on your jury?

14 PROSPECTIVE JUROR MILLER: Yes.

15 THE COURT: Do you know of any reason  
16 at all why you could not be completely fair and completely  
17 impartial in hearing this matter?

18 PROSPECTIVE JUROR MILLER: No.

19 THE COURT: Mr. Miller, these  
20 proceedings may be conducted in two segments. First, the  
21 jury will determine if the defendant is guilty.  
22 Punishment would not be considered at that time.

23 Second, if the jury finds the defendant  
24 guilty of first degree murder, then the law of this state  
25 requires that the jury set the punishment. I would set a

1 date for a hearing on the subject of punishment; do you  
2 understand?

3 PROSPECTIVE JUROR MILLER: Yes.

4 THE COURT: In the State of Nevada  
5 under these circumstances, there are two possible forms of  
6 punishment that the jury may consider; life imprisonment  
7 without the possibility of parole, or life imprisonment or  
8 a term of 50 years with the possibility of parole.

9 Do you understand that?

10 PROSPECTIVE JUROR MILLER: Yes.

11 THE COURT: In your present state of  
12 mind, could you consider fairly both possible forms of  
13 punishment and select the one that you feel is most  
14 appropriate?

15 PROSPECTIVE JUROR MILLER: Yes.

16 THE COURT: Are there questions from  
17 the State?

18 MS. GOETTSCH: Yes.

19 Your children, I take it those are with your  
20 first wife?

21 PROSPECTIVE JUROR MILLER: Yes.

22 THE COURT: Do they live in Las Vegas?

23 PROSPECTIVE JUROR MILLER: No, they do  
24 not. They live with their mother in Reno.

25 THE COURT: Are they boys or girls?

1 PROSPECTIVE JUROR MILLER: Both girls.

2 MS. GOETTSCH: And I take it you got  
3 divorced?

4 PROSPECTIVE JUROR MILLER: Yes.

5 MS. GOETTSCH: Was it an amicable  
6 parting?

7 PROSPECTIVE JUROR MILLER: Fairly  
8 amicable.

9 MS. GOETTSCH: Any violence issues or  
10 TPO issues?

11 PROSPECTIVE JUROR MILLER: No.

12 MS. GOETTSCH: In your job in  
13 construction, have you ever been in a supervisory  
14 capacity?

15 PROSPECTIVE JUROR MILLER: I have been  
16 a foreman, yes.

17 MS. GOETTSCH: Are you a foreman  
18 currently?

19 PROSPECTIVE JUROR MILLER: I think they  
20 call it a lead man, or something similar.

21 MS. GOETTSCH: You have other people  
22 that you supervise on your job?

23 PROSPECTIVE JUROR MILLER: Yes.

24 THE COURT: Do you have hiring and  
25 firing decisions?

1 PROSPECTIVE JUROR MILLER: No.

2 MS. GOETTSCH: Have you in the past?

3 PROSPECTIVE JUROR MILLER: Yes; firing  
4 positions, not hiring.

5 MS. GOETTSCH: Thank you. Pass for  
6 cause.

7 THE COURT: Thank you.

8 Defense counsel?

9 MR. BLOOM: Good afternoon, Mr. Miller.  
10 When you first heard the charges and now  
11 that you thought about it, do you think -- is this your  
12 first jury experience?

13 PROSPECTIVE JUROR MILLER: Yes.

14 MR. BLOOM: Do you think you would be  
15 able to give a fair evaluation to charges of that kind,  
16 charges of a serious kind involving murder?

17 PROSPECTIVE JUROR MILLER: Yes, sir.

18 MR. BLOOM: Have you gone to college or  
19 any special training school of one kind or another beyond  
20 high school?

21 PROSPECTIVE JUROR MILLER: I went to  
22 college for a while. I completed two years of junior  
23 college, and then after that I kind of goofed off little  
24 bit and pretended to go to school.

25 MR. BLOOM: You have no family members

1 in law enforcement or friends or family in law  
2 enforcement?

3 PROSPECTIVE JUROR MILLER: No.

4 MR. BLOOM: Thank you, Mr. Miller. We  
5 pass for accuse.

6 THE COURT: Ms. Morikawa, tell us,  
7 please, of your employment, your marital status, the  
8 number of children you may have, and how long you've lived  
9 in Clark County.

10 PROSPECTIVE JUROR MORIKAWA: I am  
11 currently employed with a limited subcontractor through  
12 Nevada Department of Transportation, in which I am  
13 assistant manager and relocation assistant doing the 95  
14 widening project.

15 I have been a resident of Clark County since  
16 May of 2000, and I am a single parent. I have three  
17 children, two females almost 12 and almost 9, one male is  
18 18 months.

19 THE COURT: And that has to do with  
20 relocating properties for new roadways?

21 PROSPECTIVE JUROR MORIKAWA: That's  
22 correct.

23 THE COURT: How long have you been with  
24 that sort of employment?

25 PROSPECTIVE JUROR MORIKAWA: Since

1 December of 2002.

2 THE COURT: Any other work here in  
3 Clark County?

4 PROSPECTIVE JUROR MORIKAWA: Yes, sir.

5 THE COURT: What was that?

6 PROSPECTIVE JUROR MORIKAWA: I was  
7 previously employed as a property manager. I started out  
8 as a leasing agent, moved up to assistant manager and  
9 bookkeeper, and became manager.

10 My first job when I came to Clark County was  
11 as a decorator's assistant in a work room for the  
12 residential and commercial hospitality industry  
13 manufacturing draperies and all of that good stuff.

14 THE COURT: What was your husband's  
15 occupation while you were married?

16 PROSPECTIVE JUROR MORIKAWA: My husband  
17 at the time was employed as a drapery installer. He later  
18 became cabinet installer.

19 THE COURT: Where did you move from  
20 when you came here?

21 PROSPECTIVE JUROR MORIKAWA: I  
22 relocated from Corona, California, which I have lived  
23 there for approximately eight years prior to moving here.

24 THE COURT: Were you working there?

25 PROSPECTIVE JUROR MORIKAWA: Yes, I



1 was.

2 THE COURT: What did you do there?

3 PROSPECTIVE JUROR MORIKAWA: I actually  
4 had several occupations while I was in Corona. Since the  
5 time I was 18 I worked as a waitress. I owned my own  
6 business in the drapery industry, which we did residential  
7 and commercial hospitality.

8 I also worked for a couple companies doing  
9 the same type of work. That's about it.

10 THE COURT: And you mentioned since you  
11 were 18. Is that when you moved to Corona?

12 PROSPECTIVE JUROR MORIKAWA: My mother  
13 was a single mother so we relocated a lot before I was 18.  
14 So we lived in Riverside County and Orange County.

15 THE COURT: And you were born where?

16 PROSPECTIVE JUROR MORIKAWA: I was born  
17 in San Clemente, California. My father was in the  
18 military. When I was two we relocated to Jacksonville,  
19 Florida, where most of my family is relocated.

20 At the age of seven we relocated out to  
21 California, again, Riverside and Orange Counties. I'm  
22 sure you don't want to hear all of the cities I lived in.

23 THE COURT: Have you any prejudice as  
24 to the nature of the charge in this case?

25 PROSPECTIVE JUROR MORIKAWA: No, sir.

1 THE COURT: Do you know any of the  
2 other prospective jurors?

3 PROSPECTIVE JUROR MORIKAWA: No, sir, I  
4 do not.

5 THE COURT: Have you any racial  
6 prejudice?

7 PROSPECTIVE JUROR MORIKAWA: No, sir, I  
8 do not.

9 THE COURT: Do you understand that an  
10 information is a mere accusation and not evidence, that  
11 the Defendant is presumed to be innocent until proven  
12 guilty, and that the State has the burden of proving the  
13 defendant's guilt beyond a reasonable doubt?

14 PROSPECTIVE JUROR MORIKAWA: Yes, I do.

15 THE COURT: If you were charged with an  
16 offense similar to the one that's alleged in this case, or  
17 if you were prosecuting this case, would you want 12  
18 individuals such as yourself to be on your jury?

19 PROSPECTIVE JUROR MORIKAWA: Yes,  
20 absolutely.

21 THE COURT: Do you know of any reason  
22 at all why you cannot be completely fair and completely  
23 impartial in hearing this matter?

24 PROSPECTIVE JUROR MORIKAWA: No, I do  
25 not.

1 THE COURT: Ms. Morikawa, these  
2 proceedings may be conducted in two segments. First, the  
3 jury will determine if the defendant is guilty.  
4 Punishment would not be considered at that time.

5 Second, if the jury finds the defendant  
6 guilty of first degree murder, then the law of this state  
7 requires that the jury set the punishment. I would set a  
8 date for a hearing on the subject of punishment; do you  
9 understand?

10 PROSPECTIVE JUROR MORIKAWA: Yes, sir.

11 THE COURT: In the State of Nevada  
12 under these circumstances, there are two possible forms of  
13 punishment that the jury may consider; life imprisonment  
14 without the possibility of parole, or life imprisonment or  
15 a term of 50 years with the possibility of parole.

16 Do you understand that?

17 PROSPECTIVE JUROR MORIKAWA: Yes, I do.

18 THE COURT: In your present state of  
19 mind, could you consider fairly both possible forms of  
20 punishment and select the one that you feel is most  
21 appropriate?

22 PROSPECTIVE JUROR MORIKAWA: Yes, sir.

23 THE COURT: Questions from the State?

24 MR. PETERSON: Yes, Judge.

25 Ms. Morikawa, you are divorced from your

1 previous husband. Was it friendly or contentious?

2 PROSPECTIVE JUROR MORIKAWA: It was not  
3 friendly in the beginning, but became friendly over a  
4 matter of time.

5 MR. PETERSON: Are you friendly with  
6 him now?

7 PROSPECTIVE JUROR MORIKAWA: At the  
8 current moment --

9 MR. PETERSON: In general.

10 PROSPECTIVE JUROR MORIKAWA: He's kind  
11 of taken the back road and is not wanting to pay child  
12 support. But other than generalities, we're amicable. I  
13 don't talk to him. I don't really know how to get a hold  
14 of him.

15 MR. PETERSON: Has he disappeared?

16 PROSPECTIVE JUROR MORIKAWA: Pretty  
17 much.

18 MR. PETERSON: And you have custody of  
19 three children?

20 PROSPECTIVE JUROR MORIKAWA: My two  
21 children are by my ex-husband. My son's relationship,  
22 that was after my husband and I split and were separated.  
23 He lived out of the home, and that gentleman is the one  
24 who works for Las Vegas Metro.

25 MR. PETERSON: In your current job as

1 assistant manager, have you had hiring, firing,  
2 disciplinarian decisions to make?

3 PROSPECTIVE JUROR MORIKAWA: Not in  
4 this particular job, but I have in the past.

5 MR. PETERSON: How do you feel about  
6 making those types of decisions?

7 PROSPECTIVE JUROR MORIKAWA: Totally  
8 comfortable.

9 MR. PETERSON: Thank you. Pass for  
10 cause.

11 THE COURT: Defense counsel?

12 MR. BLOOM: Thank you.

13 Good afternoon, Ms. Morikawa. The Judge has  
14 asked you some questions, both in this setting, and just a  
15 few minutes before when we were still asking the group of  
16 people to raise their hands.

17 And one of the things you raised your hand,  
18 or one of the things you think is important, you've had a  
19 lot of experience with law enforcement, for example,  
20 because of your family, et cetera.

21 The question was put to you by Judge Mosley  
22 as to whether or not you thought there was something about  
23 the nature of the charge that would make it difficult for  
24 you to sit as an objective juror in this case.

25 You paused for a moment. You said something

1 along the lines of, well, something about if an officer  
2 was involved. Here is my question:

3 From what I understood about that answer, it  
4 sounds like you were saying something along the lines that  
5 you have strong feelings of the law enforcement profession  
6 probably because of your background in your family.

7 If you had to judge law enforcement, a  
8 police officer as a witness, not somebody who is accused  
9 in this case but as a witness, the credibility or  
10 believability of that person, a law enforcement person  
11 versus a person talking about the same subject who wasn't  
12 law enforcement, you took a look and heard the same  
13 subject being talked about, one side of law enforcement  
14 and the other was civilian, do you think you would tend to  
15 give law enforcement greater credibility because of their  
16 status as law enforcement?

17 PROSPECTIVE JUROR MORIKAWA: Well,  
18 speaking candidly, when it comes to relations with my  
19 father, he's been a police officer since I was three years  
20 old. Prior to that he was in the Marines.

21 I have not grown up with him around me on a  
22 continual basis. My parents split when I was 7. Our  
23 relationship is limited with 2700 miles between us, so  
24 there's not a lot of interaction when it comes to that.

25 My son's dad, due to the relationship we're

1 both in our own relationships now. I don't converse with  
2 him that much either.

3 Now, if it came to a situation of a police  
4 officer was shot while on duty, obviously because I grew  
5 up with that and my son would be affected by that, yes, I  
6 would be a little more partial to that.

7 But when it comes to their credibility  
8 versus just somebody off of the street, I take them as a  
9 person who is trained in the field they're in. Likewise,  
10 someone who is in the medical industry, whatever the case  
11 may be.

12 So the credibility would be on the basis of  
13 their field, obviously, so I could differentiate between  
14 my situation, my dad and my boyfriend versus another  
15 officer that's going to sit on the stand, because it  
16 doesn't relate to him or her.

17 MR. BLOOM: One follow-up question  
18 having to do with your mom's situation. As I understand  
19 it, she was a victim of domestic violence and it was in  
20 your presence. You saw this as a young girl, and I think  
21 you said you were seven.

22 Is there something about that that might  
23 cause too much emotion that it would be hard for you to be  
24 objective to any of the facts involving a situation here  
25 where my client is accused of killing his wife?

1           The issue will be self-defense, and you're  
2 going to have that domestic turbulence, obviously, which  
3 is part of our case. Is that going to touch a nerve in  
4 you because of your experiences that you're not going to  
5 be as objective about the facts as you feel you should?

6           PROSPECTIVE JUROR MORIKAWA: In my  
7 situation, obviously no child wants to see their parent go  
8 through anything traumatic, whether it be at the hands of  
9 their lover or husband or a complete stranger.

10           However, that doesn't play a role in what my  
11 decision would be here based on the facts presented by  
12 both the State and by yourself on behalf of your client.  
13 It has no bearing on that.

14           I'm also almost 32 years old and that's way  
15 back then, and it's not affecting my life now.

16           MR. BLOOM: Thank you very much for  
17 your candor. No further questions. We pass for cause.

18           THE COURT: Thank you. Ms. Morikawa,  
19 one thing I wanted to ask to maybe clarify what Mr. Bloom  
20 is asking. You talked about the credence that you might  
21 lend to the witness who was a police officer as opposed to  
22 a person that's not a police officer.

23           And you spoke of the medical profession and  
24 the profession of the officer himself, his training, and  
25 kind of going into more of what they knew about what they



1 were testifying about, as opposed to their veracity or  
2 truth. And I think the question sort of went to the  
3 latter, the truthfulness.

4 I'll just ask you candidly, do you think an  
5 officer is more likely to be truthful than a doctor or a  
6 fellow that works over here across the street at a  
7 restaurant, or a librarian? Do you feel that?

8 PROSPECTIVE JUROR MORIKAWA: That they  
9 would be more truthful, or appear to be more truthful?

10 THE COURT: I'm talking about when  
11 you're evaluating their testimony, do you think they would  
12 be more truthful?

13 PROSPECTIVE JUROR MORIKAWA: Not  
14 necessarily, if they're being asked questions that relate  
15 to their profession and make judgments based on that,  
16 obviously they're being asked to base it on fact.

17 THE COURT: You're saying by virtue of  
18 their training you might lend extra credence to what  
19 they're saying versus asking a doctor about a medical  
20 question, he probably is more accurate than the guy on the  
21 street, right? Am I putting words in your mouth?

22 PROSPECTIVE JUROR MORIKAWA: Well, I'm  
23 trying to understand the question and answering it as  
24 truthfully and as best I can.

25 THE COURT: Talking about honesty here,

1 is the police more honest than the librarian?

2 PROSPECTIVE JUROR MORIKAWA: A  
3 policeman is going to be truthful and lie, and a librarian  
4 is going to be truthful and lie. There's different sides  
5 of the spectrum for every person. You can't necessarily  
6 say one person is going to be more truthful than the  
7 other.

8 THE COURT: But as far as asking if  
9 someone is in their profession and trained and went to  
10 school for a particular question that they're being asked,  
11 then you would take that into consideration?

12 Does that make sense?

13 PROSPECTIVE JUROR MORIKAWA: Yes,  
14 absolutely.

15 THE COURT: All right. I think we will  
16 adjourn.

17 "It is your duty not to discuss among  
18 yourselves, or with anyone else, any subject connected  
19 with the trial; or read, watch or listen to any report of,  
20 or commentary on the trial or any person connected with  
21 the trial by any medium of information, including without  
22 limitation, newspapers, television and radio; or form or  
23 express any opinion on any subject connected with the  
24 trial until the cause is finally submitted to you."

25 Do keep that in mind, and see you back at

1 1:30 tomorrow. Court's adjourned.

2

3

4 ATTEST: Full, true and accurate transcript of  
5 proceedings.

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MAUREEN SCHORN, CCR NO. 496, RPR

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1                   Mr. Adams, are you telling me, sir, that  
2 your money that you put in for your reservation and all  
3 that is nonrefundable?

4                   PROSPECTIVE JUROR ADAMS: Yes.

5                   THE COURT: Ladies and gentlemen, let  
6 me explain something to you, please. First of all, the  
7 obvious, I can't let everybody go home that has a problem  
8 being here. If I did that, we just wouldn't have jurors,  
9 so that puts me in a situation.

10                  Now, as I exclaimed, there are bases for  
11 excusal from jury duty set out by statute. They're very  
12 limited. I have construed the law over the years to mean,  
13 in essence, that I have as a Judge in this particular  
14 department control over the procedures to a certain  
15 extent. And I think that gives me authority to continue  
16 your jury service, not necessarily excuse you, but to  
17 continue it.

18                  Now, Mr. Wilhelm, I don't know if you're  
19 ever going to get in a situation where you can improve  
20 your status as a juror. What I've done is, gone over with  
21 counsel what we consider some of the more urgent  
22 situations, and I'm going to delay or continue the jury  
23 service for the following people.

24                  When I announce your name, rise and go  
25 downstairs to the Jury Commissioner and explain that Judge

1 Mosley asked to have you scheduled at a future date. Most  
2 of the time it's six months off.

3 Ms. Shaffer to go; Mr. Wilhelm;  
4 Mr. Robinson; Mr. Cordova, the young student, good luck  
5 with your studies; Mr. Adams. The rest will remain.

6 Ms. Clerk, would you call 12 names, please.

7 MR. BLOOM: Thank you, Your Honor.

8 THE CLERK: Badge No. 313, Sheryl  
9 Blindeagle, B-l-i-n-d-e-a-g-l-e; Badge No. 283, Paul  
10 Denorio, D-e-n-o-r-i-o; Badge No. 288, Yvonne Alley,  
11 A-l-l-e-y; Badge No. 314, Huber Marin, M-a-r-i-n; Badge  
12 No. 306, Robert Gamboa, G-a-m-b-o-a; Badge No. 325, Diane  
13 Winton, W-i-n-t-o-n; Badge 319, Karen Milovich,  
14 M-i-l-o-v-i-c-h; Badge 315, Alan Miller, M-i-l-l-e-r;  
15 Badge 347, Shay Morikawa, M-o-r-i-k-a-w-a; Badge No. 353,  
16 Bernard Davis, D-a-v-i-s; Badge No. 296, Diana Miller,  
17 M-i-l-l-e-r; Badge 351, Jessica Romero, R-o-m-e-r-o.

18 That's 12, Your Honor.

19 THE COURT: Ladies and gentlemen, you  
20 who have not been called, let me suggest that you follow  
21 along in the questioning process as I inquire of these  
22 individuals. Because our procedure is such that it's very  
23 likely that some of you will be asked to replace some of  
24 individuals who have been initially called.

25 And should that occur, the questions I ask

1     them I would be asking you, so you might consider how you  
2     would respond.

3                 Ladies and gentlemen, again, addressing you  
4     as a group, is there anyone that has any reason why you  
5     could not serve as a fair juror in this particular case?

6                 PROSPECTIVE JUROR GAMBOA: I couldn't  
7     honestly say whether I would or not, because I've never  
8     been in anything like this. That's the only thing,  
9     something smaller I might be able to, but something with  
10    weapons and a man, whether he goes to jail or not,  
11    something like that I don't know if I can really do it.

12                I'm just letting you know how I feel.

13                THE COURT: Most jury trials would have  
14    jail or prison time as a consequence, possibly. Are you  
15    saying the decision is too monumental?

16                PROSPECTIVE JUROR GAMBOA: No. I just  
17    honestly say I really don't know if could I be impartial.  
18    I don't know. That's all I'm saying. I'm trying to be  
19    truthful.

20                THE COURT: What factors are you  
21    considering?

22                PROSPECTIVE JUROR GAMBOA: I'm just  
23    talking about it's a murder trial and right there. I've  
24    never been in anything like this, other than watching it  
25    on TV. So I'm just trying to be honest so you know where

1 I'm coming from.

2 THE COURT: But when you say you don't  
3 know if you can be fair now, is there a difference between  
4 being fair and being the optimum juror?

5 PROSPECTIVE JUROR GAMBOA: No. As the  
6 trial got on more and more, I don't know whether I would  
7 form an opinion or not. I've never been in anything like  
8 this. I'm not trying to get out of anything, I'm just  
9 letting you know how I feel.

10 THE COURT: Well, as I had indicated  
11 earlier, in the final analysis, whether or not you can be  
12 fair is something that you have to tell me. I can't tell  
13 you.

14 PROSPECTIVE JUROR GAMBOA: That's what  
15 I'm trying to say. I don't know, Your Honor. I may not,  
16 I don't know.

17 THE COURT: Do you feel that you can be  
18 fair if you sit here in a moment?

19 PROSPECTIVE JUROR GAMBOA: Right now  
20 because I don't know anything about it yet, the graphics  
21 won't bother me, but I just don't know.

22 THE COURT: Well, as the trial  
23 progresses more and more information is imparted to you.

24 How would that affect you being fair?

25 PROSPECTIVE JUROR GAMBOA: Just in my

1 way of thinking, whether I'd see -- because shooting  
2 somebody seven times, it's one thing if it's self-defense.  
3 There's got to be something --

4 THE COURT: Before we go into  
5 particulars, what I'm trying to do is try to  
6 determine -- it might cause you as you hear the  
7 information here in trial, it might cause you to think one  
8 way or the other. That's what you're here to do.

9 PROSPECTIVE JUROR GAMBOA: That's what  
10 I'm saying, I'm not sure.

11 THE COURT: What you need to do is  
12 reserve your final judgment until the end of trial and  
13 after you've had a chance to confer with the other jurors.  
14 The law does not contemplate you sitting here for two or  
15 three weeks as a mindless robot. That's not what we  
16 expect.

17 So if you think you would be unfair, if you  
18 are thinking about what's transpiring as you hear the  
19 information, that's not unfair.

20 PROSPECTIVE JUROR GAMBOA: I just  
21 wanted to let you know how I felt.

22 THE COURT: With that explanation, do  
23 you think you still have the prospect of not being fair  
24 perhaps?

25 PROSPECTIVE JUROR GAMBOA: Right now my



1 mind is clear because I don't know anything on the trial.  
2 When the trial starts, I honestly can't say. I might go  
3 straight like it's supposed to be, or I honestly don't  
4 know. I'm just trying to be fair because we're talking  
5 about a man's future.

6 THE COURT: Would counsel care to  
7 inquire of Mr. Gamboa?

8 MR. PETERSON: No, Judge.

9 THE COURT: Mr. Bloom?

10 MR. BLOOM: No, Your Honor.

11 THE COURT: Well, as you sit here you  
12 think you can be fair, sir; is that correct?

13 PROSPECTIVE JUROR GAMBOA: Right now;  
14 yes, sir.

15 THE COURT: I've been a Judge for 24  
16 years, and this is the first time I've heard this. It's a  
17 learning process, there's never an end, and I will say  
18 this to you.

19 If you are selected as a final juror and you  
20 feel at some point that you cannot be fair in these  
21 proceedings, I want you to tell the Bailiff, and I won't  
22 make a big production of it. Inform the Bailiff and I  
23 will go from there.

24 I think you're being honest and I'm not  
25 criticizing you, sir. And I don't think you're trying to

1 get out of jury service. But by the same token, I don't  
2 want you to think you're locked in here and can't be fair.  
3 That's not going to be good for either side here. So with  
4 all that said, we'll proceed.

5 Anyone else?

6 Have any of you served as jurors before?

7 We'll begin in the back row, please.

8 Is it Miss or Mrs. Alley?

9 PROSPECTIVE JUROR ALLEY: Miss.

10 THE COURT: How long ago was it?

11 PROSPECTIVE JUROR ALLEY: Twelve years  
12 ago.

13 THE COURT: Was it here in Clark  
14 County?

15 PROSPECTIVE JUROR ALLEY: No.

16 THE COURT: Was it a civil or criminal  
17 case?

18 PROSPECTIVE JUROR ALLEY: Criminal.

19 THE COURT: Without indicating what the  
20 verdict was, did you reach a verdict?

21 PROSPECTIVE JUROR ALLEY: Yes.

22 THE COURT: Do you think that your  
23 prior jury service would in any way inhibit your ability  
24 to fairly serve on this jury?

25 PROSPECTIVE JUROR ALLEY: No.

1 THE COURT: In the front row,  
2 Mr. Davis?

3 PROSPECTIVE JUROR DAVIS: Yes. I  
4 served own several juries in the past.

5 THE COURT: Here in Clark County?

6 PROSPECTIVE JUROR DAVIS: Yes.

7 THE COURT: Roughly, what were the  
8 dates?

9 PROSPECTIVE JUROR DAVIS: The most  
10 recent was probably five years ago, and a few years apart.

11 THE COURT: Five to seven years for the  
12 two. Were they civil or criminal?

13 PROSPECTIVE JUROR DAVIS: Two criminal  
14 and one civil.

15 THE COURT: So you had three?

16 PROSPECTIVE JUROR Davis: Yes.

17 THE COURT: And did you reach verdicts  
18 in each one of those cases?

19 PROSPECTIVE JUROR DAVIS: Yes.

20 THE COURT: Were you the foreman of the  
21 jury at any point?

22 PROSPECTIVE JUROR DAVIS: No.

23 THE COURT: Do you think your prior  
24 jury service would in any way inhibit your ability to  
25 fairly serve on this jury?

1 PROSPECTIVE JUROR DAVIS: No.

2 THE COURT: Is there anyone else?

3 Are you or any of your close friends or  
4 relatives involved in law enforcement, or have you been in  
5 the past?

6 Is it Miss or Mrs. Morikawa?

7 PROSPECTIVE JUROR MORIKAWA: Recently  
8 divorced.

9 THE COURT: What is your involvement  
10 with law enforcement?

11 PROSPECTIVE JUROR MORIKAWA: My father  
12 has been police officer out of state in Jacksonville,  
13 Florida for approximately 29 years. My son's father,  
14 which we are not together, but he is an officer here in  
15 Las Vegas with the Metropolitan Police Department, and has  
16 been for 12 years.

17 THE COURT: Is it fair to say you have  
18 on occasion discussed your father and your husband's work  
19 with them?

20 PROSPECTIVE JUROR MORIKAWA: No, sir, I  
21 have not; not to this degree.

22 THE COURT: Do you and your now  
23 ex-husband still see each other over the child?

24 PROSPECTIVE JUROR MORIKAWA: My child's  
25 father, yes. We were not married.

1 THE COURT: So my question would go to  
2 both your ex-husband and your father. Do you think when  
3 you would next see either of them you would feel a  
4 compunction to explain or justify your verdict to them?

5 PROSPECTIVE JUROR MORIKAWA: No, sir.

6 THE COURT: Do you think that their  
7 employment and your relationship to them would affect your  
8 view of this case?

9 PROSPECTIVE JUROR MORIKAWA: Only if it  
10 involved officers, but in that case if I heard the  
11 allegation.

12 THE COURT: You mean shooting of an  
13 officer or something like that?

14 PROSPECTIVE JUROR MORIKAWA: Yes, sir.

15 THE COURT: I don't think there's  
16 anything like that here.

17 Do you think you can be a fair juror, ma'am?

18 PROSPECTIVE JUROR MORIKAWA: Yes. I  
19 believe I can.

20 THE COURT: Mr. Davis?

21 PROSPECTIVE JUROR DAVIS: Yes. I have  
22 a brother-in-law and two cousins that are retired police  
23 officers.

24 THE COURT: What jurisdictions?

25 PROSPECTIVE JUROR DAVIS: Baltimore

1 County.

2 THE COURT: All three?

3 PROSPECTIVE JUROR DAVIS: Two in  
4 Baltimore City, and one in Baltimore County.

5 THE COURT: Have you had occasion to  
6 discuss their work with them?

7 PROSPECTIVE JUROR DAVIS: Just in  
8 general, nothing specific.

9 THE COURT: How often do you see them  
10 or talk with them?

11 PROSPECTIVE JUROR DAVIS: Several times  
12 a year at the most.

13 THE COURT: By phone, or actually  
14 visit?

15 PROSPECTIVE JUROR DAVIS: Phone.

16 THE COURT: Do you think you would feel  
17 a compunction to explain or justify your verdict to them  
18 when you would next speak with them?

19 PROSPECTIVE JUROR DAVIS: No.

20 THE COURT: Do you think their  
21 employment and your relationship to them would have any  
22 bearing on your view of this case?

23 PROSPECTIVE JUROR DAVIS: No, I don't.

24 THE COURT: Do you think you can be a  
25 fair juror?

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1 PROSPECTIVE JUROR DAVIS: Yes.

2 THE COURT: Anyone else?

3 Have you or a close friend or family member  
4 ever been a victim of crime, Mr. Davis?

5 PROSPECTIVE JUROR DAVIS: We've had  
6 several burglaries in our home. Also, there was drive-by  
7 shooting approximately 8, 10 years ago.

8 THE COURT: Here in Las Vegas?

9 PROSPECTIVE JUROR DAVIS: Yes; Las  
10 Vegas.

11 THE COURT: Were the burglaries  
12 reported?

13 PROSPECTIVE JUROR DAVIS: Yes.

14 THE COURT: Was the shooting reported?

15 PROSPECTIVE JUROR DAVIS: Yes.

16 THE COURT: Was anyone caught in any of  
17 these instances?

18 PROSPECTIVE JUROR DAVIS: No.

19 THE COURT: Do you think the  
20 authorities treated the matters appropriately, or perhaps  
21 not?

22 PROSPECTIVE JUROR DAVIS: Appropriately  
23 what they could do.

24 THE COURT: Is there anything about the  
25 situations alleged that causes you to be less than fair as

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1 a juror?

2 PROSPECTIVE JUROR DAVIS: No.

3 THE COURT: Anyone else?

4 The next question, ladies and gentlemen,  
5 contemplates jury instructions, which is a rather lengthy  
6 packet of, basically, the law that I would read to you  
7 near the close of the case. And I would give you the law  
8 to apply to the facts as you find the facts from the  
9 evidence.

10 And the question, very candidly, is this:  
11 Will you follow all the instructions of the Court on the  
12 law, even though they may differ from your personal  
13 conceptions of what the law ought to be?

14 Does anyone feel that they would be inclined  
15 to substitute what they think might be a better view of  
16 the law than what I give? And please don't hesitate to  
17 answer.

18 A person who is accused of committing a  
19 crime is presumed to be innocent in a criminal trial.

20 Does everyone understand and agree with  
21 that? Does anyone not?

22 Are you aware that the defendant does not  
23 have to take the stand and testify or offer any evidence  
24 if he chooses not to, and you can still find him not  
25 guilty? That's because the burden is upon the State to



1 prove his guilt beyond a reasonable doubt.

2 Does everyone understand and agree with  
3 that? Does anyone not?

4 Have you or a close friend or family member  
5 ever been involved in the criminal justice process, either  
6 in prosecuting a case, or as a witness, or as a defendant?

7 PROSPECTIVE JUROR GAMBOA: Like being  
8 in jail a long time ago?

9 THE COURT: Do you foresee a problem?

10 PROSPECTIVE JUROR GAMBOA: It's been a  
11 long time.

12 THE COURT: It is a little hard to  
13 understand. Let me give you this one more time. Have you  
14 or a close friend or family member ever been involved in  
15 the criminal justice process, either in prosecuting a  
16 case, or as a victim of crime, or as a witness, or as a  
17 defendant? And this would include close friends and  
18 family members.

19 You were charged with something as a youth?

20 PROSPECTIVE JUROR GAMBOA: I'm talking  
21 about 20 years ago.

22 THE COURT: What was the situation  
23 there?

24 PROSPECTIVE JUROR GAMBOA: Just on one  
25 when there was something like a fight, and then there was

1 some other stuff with my first wife back in the '70s where  
2 I did some time, a couple of weeks here, and three months  
3 in Henderson. It was just minor stuff, that's why when  
4 you said defendant.

5 THE COURT: Drinking and fighting, that  
6 kind of thing?

7 PROSPECTIVE JUROR GAMBOA: Yes; nothing  
8 major.

9 THE COURT: No felonies?

10 PROSPECTIVE JUROR GAMBOA: No, none.

11 THE COURT: Let me ask you this. As  
12 you look back, do you think you were treated fairly, or  
13 perhaps not?

14 PROSPECTIVE JUROR GAMBOA: Yeah.

15 THE COURT: Would that experience have  
16 any effect on your view of this case?

17 PROSPECTIVE JUROR GAMBOA: No.

18 THE COURT: Anyone else?

19 Is it Miss or Mrs. Miller?

20 PROSPECTIVE JUROR MILLER: Mrs.

21 THE COURT: Tell us, please.

22 PROSPECTIVE JUROR MILLER: I have a  
23 half-brother who was incarcerated in Modesto, California,  
24 for pushing my stepmother. And there was a restraining  
25 order against him and he was incarcerated in jail for a

1 year. I am not close with him, I don't talk to him, and I  
2 haven't seen him in two years.

3 THE COURT: Roughly how long ago would  
4 this have been?

5 PROSPECTIVE JUROR MILLER: Last year.  
6 My mother has since died, but it wasn't from that, it was  
7 something else. She just -- he pushed her and she broke a  
8 rib, she slipped. She was 79.

9 THE COURT: He spent a year in jail  
10 over that?

11 PROSPECTIVE JUROR MILLER: Half a year,  
12 just six months and he got out. I haven't seen him in  
13 about eight years.

14 THE COURT: Do you have a sense as to  
15 whether or not he was treated fairly?

16 PROSPECTIVE JUROR MILLER: Oh, I think  
17 he was treated fairly.

18 THE COURT: Would the event have any  
19 bearing on your view of this case?

20 PROSPECTIVE JUROR MILLER: No, not at  
21 all.

22 THE COURT: Mrs. Miller, do you think  
23 you can be a fair juror?

24 PROSPECTIVE JUROR MILLER: Absolutely.

25 THE COURT: Anyone else?

1 Have you ever been, or do you know of anyone  
2 who has ever been a victim of domestic violence?

3 Anyone else? Is it Miss or Mrs. Blindeagle?

4 PROSPECTIVE JUROR BLINDEAGLE: Mrs.

5 THE COURT: Tell us, please.

6 PROSPECTIVE JUROR BLINDEAGLE: My first  
7 husband abused me.

8 THE COURT: Was that here in Clark  
9 County?

10 PROSPECTIVE JUROR BLINDEAGLE: No.

11 THE COURT: Was it reported?

12 PROSPECTIVE JUROR BLINDEAGLE: No. One  
13 instance was reported and they just made him leave the  
14 house.

15 THE COURT: You've heard what little  
16 you know of the case the facts as they are alleged by the  
17 State, that the basis of our being here is a dispute  
18 between a wife and a husband, or involvement of violence.

19 Do you understand what's being alleged here?

20 PROSPECTIVE JUROR BLINDEAGLE: Yes, I  
21 do.

22 THE COURT: Would the fact that you've  
23 had something like that in your life have any effect on  
24 your view of this case?

25 PROSPECTIVE JUROR BLINDEAGLE: No.

1 THE COURT: Can you appreciate the fact  
2 that that was that, and that is a different thing  
3 altogether?

4 PROSPECTIVE JUROR BLINDEAGLE: Yes. I  
5 can appreciate that completely.

6 THE COURT: Can you be a fair juror?

7 PROSPECTIVE JUROR BLINDEAGLE: Yes.

8 THE COURT: Anyone else?

9 Ms. Morikawa?

10 PROSPECTIVE JUROR MORIKAWA: Right. My  
11 mother was a victim of domestic violence in her second  
12 marriage.

13 THE COURT: Were you living at home at  
14 the time?

15 PROSPECTIVE JUROR MORIKAWA: Yes.

16 THE COURT: So you observed some of  
17 this?

18 PROSPECTIVE JUROR MORIKAWA: Yes.

19 THE COURT: Was it reported?

20 PROSPECTIVE JUROR MORIKAWA: Yes. I  
21 believe it was.

22 THE COURT: Did the police come out and  
23 do anything?

24 PROSPECTIVE JUROR MORIKAWA: Trying to  
25 recollect back to when I was seven is quite a number of

1 years ago. I do remember at least on one or two occasions  
2 where he was either asked to leave the home, and I believe  
3 on one occasion he was arrested, but he was not  
4 prosecuted.

5 THE COURT: Is it fair to say that at  
6 least some of what you know of the case was related to you  
7 in later years?

8 PROSPECTIVE JUROR MORIKAWA: I'm sorry?

9 THE COURT: Someone told you what  
10 happened, kind of filled in some gaps for you as you got  
11 older? Is that possible?

12 PROSPECTIVE JUROR MORIKAWA: My mom has  
13 been very private about what happened out of my witness,  
14 so it's just what I observed when I was a child.

15 THE COURT: I suggest that because I'm  
16 going to ask you if you have a sense as to whether or not  
17 the authorities treated the matter appropriately?

18 Of course, it's just a little thing, and I'm  
19 thinking maybe someone told you something when you got to  
20 be a teenager that helps you have a sense of that; but,  
21 no?

22 PROSPECTIVE JUROR MORIKAWA: Just to be  
23 able to say if it was treated fairly or unfairly?

24 THE COURT: Would the situation have  
25 any bearing on your view of this case?

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1 PROSPECTIVE JUROR MORIKAWA: I think  
2 the circumstances involving my mother and her situation, I  
3 can differentiate between that and take into consideration  
4 the evidence at hand and be impartial to both sides.

5 THE COURT: As I indicated to  
6 Ms. Blindeagle, that is that case and this is this case.

7 Can you appreciate that?

8 PROSPECTIVE JUROR MORIKAWA: That's  
9 correct.

10 THE COURT: Do you believe you can be a  
11 fair juror?

12 PROSPECTIVE JUROR MORIKAWA: Yes.

13 THE COURT: Let me take the opportunity  
14 to make one other point, if I might.

15 The last few questions that I've asked on  
16 these similar subjects, it might give you folks the wrong  
17 impression. You are not expected to come here having had  
18 no experiences in your life. The reason you are here is  
19 that we want 12 people with varying experiences to meet,  
20 to discuss, and to render a decision if you can do so  
21 fairly.

22 So I asked the young lady would that have  
23 any bearing on this case. Well, our life experiences have  
24 a bearing on the things we do in the future, the decisions  
25 we make. We call upon our experiences. There's nothing

1 inappropriate about that if we can do that fairly, and if  
2 we wait to hear all the evidence before make up our minds.

3 I don't want to give the wrong impression  
4 that you have no experience and have an open slate.  
5 That's not what we're talking about.

6 Anyone else involved in the criminal justice  
7 process, or know anybody that's been abused domestically?

8 Have you or someone you know ever been  
9 accused of domestic violence?

10 Let me begin the individual voir dire or  
11 questioning process with you, if I might.

12 Ms. Blindeagle, tell us, please, of your  
13 employment, your marital status, the number of children  
14 you may have, and how long you've lived in Clark County.

15 PROSPECTIVE JUROR BLINDEAGLE: I'm the  
16 accounts receivable manager for an electrical  
17 subcontractor, and I also go to school at night for  
18 nursing. I have three children, and I've lived in Clark  
19 County for approximately seven years.

20 THE COURT: What are the ages of your  
21 children, roughly?

22 PROSPECTIVE JUROR BLINDEAGLE: Fifteen,  
23 12 and 10.

24 THE COURT: And have you worked with  
25 your current employer the entire time you've lived here?



1 PROSPECTIVE JUROR BLINDEAGLE: Yeah,  
2 pretty much.

3 THE COURT: No other work as an adult  
4 here in Clark County?

5 PROSPECTIVE JUROR BLINDEAGLE: I worked  
6 at the Aladdin briefly before they imploded it.

7 THE COURT: Is your husband employed?

8 PROSPECTIVE JUROR BLINDEAGLE: Yes, he  
9 is.

10 THE COURT: How so?

11 PROSPECTIVE JUROR BLINDEAGLE: He works  
12 for a heating and air conditioning controls company.

13 THE COURT: Has that been the work he's  
14 done exclusively in Clark County?

15 PROSPECTIVE JUROR BLINDEAGLE: Yes.  
16 This is the second company. He did work for another  
17 company previous.

18 THE COURT: Here in Clark County?

19 PROSPECTIVE JUROR BLINDEAGLE: Yes.

20 THE COURT: You moved from where in  
21 coming here?

22 PROSPECTIVE JUROR BLINDEAGLE: Denver.

23 THE COURT: Were you employed there?

24 PROSPECTIVE JUROR BLINDEAGLE: Yes.

25 THE COURT: What did you do there?

1 PROSPECTIVE JUROR BLINDEAGLE: I worked  
2 for the Federal Reserve Bank just before we moved out  
3 here.

4 THE COURT: What did you do for the  
5 bank?

6 PROSPECTIVE JUROR BLINDEAGLE: I was a  
7 reader and sorter for the checks.

8 THE COURT: Any other work as an adult  
9 on your part?

10 PROSPECTIVE JUROR BLINDEAGLE: I've  
11 been a medical assistant.

12 THE COURT: In what context?

13 In an office?

14 PROSPECTIVE JUROR BLINDEAGLE: In an  
15 urgent care facility.

16 THE COURT: How long did you do that?

17 PROSPECTIVE JUROR BLINDEAGLE: About  
18 two years.

19 THE COURT: You're taking courses now  
20 to become a nurse. How far along are you?

21 PROSPECTIVE JUROR BLINDEAGLE: I am  
22 still doing the requisites. I have a couple more before I  
23 apply for the nursing program at CCSN.

24 THE COURT: So you're currently not  
25 undergoing medical instruction or counselling?

1 PROSPECTIVE JUROR BLINDEAGLE: No. I'm  
2 taking an anatomy and a physiology class.

3 THE COURT: Now, back when you worked  
4 as an assistant, were you given any formal training?

5 PROSPECTIVE JUROR BLINDEAGLE: I went  
6 through a year of school and I don't know how, and got a  
7 certification and became a Certified Medical Assistant.

8 THE COURT: And are you from the Denver  
9 area?

10 PROSPECTIVE JUROR BLINDEAGLE: Yes.

11 THE COURT: You grew up there?

12 PROSPECTIVE JUROR BLINDEAGLE: Yes.  
13 Born and raised.

14 THE COURT: And you met your husband  
15 there?

16 PROSPECTIVE JUROR BLINDEAGLE: Uh-huh.

17 THE COURT: The next question,  
18 Ms. Blindeagle, deserves a little explanation, and I  
19 always preface it by setting out an example.

20 The question is, have you any prejudice as  
21 to the nature of the charge in this case?

22 PROSPECTIVE JUROR BLINDEAGLE: No.

23 THE COURT: Let me explain to you, and  
24 for the benefit of everyone else, and perhaps you  
25 understand it very well.

1           Let me suggest to you that you are a juror  
2 in a case of possession of marijuana, and you are a juror  
3 that feels strongly that marijuana should be legalized.

4           You've heard the argument?

5           PROSPECTIVE JUROR BLINDEAGLE: Yes.

6           THE COURT: So you can see the nature  
7 of the charge might well dictate your verdict,  
8 notwithstanding the evidence.

9           On the other end of the spectrum, you might  
10 have a situation where you find a little infant in a  
11 dumpster, and you can't fathom people being so callous,  
12 and you are so furious that you're going to strike a blow  
13 for justice, again, based on your emotions and  
14 notwithstanding the evidence.

15           That's what I mean when I say do you have  
16 any prejudice as to the nature of the charge in this case.  
17 It doesn't mean you have to agree or disagree to the  
18 charge. Does it stir such emotion in you that you would  
19 be inclined to make a decision out of emotion, rather than  
20 reason?

21           PROSPECTIVE JUROR BLINDEAGLE: Well, I  
22 would be false in saying that something doesn't raise an  
23 emotional response. Sure, the dumpster baby being left in  
24 a dumpster, just that would stir an emotional response.

25           But like I feel how I try to raise my

1 children, is to step back and look at the entire situation  
2 before passing judgment on anything.

3 THE COURT: And, of course, this case  
4 has nothing to do with the dumpster and a child. I'm  
5 using it as an example. But would this case with the  
6 charge as it is invoke any prejudice as to the charge?

7 PROSPECTIVE JUROR BLINDEAGLE: It did  
8 stir some emotion when I heard seven shots, but I wasn't  
9 there, I don't know the situation. So I don't know what  
10 happened, so I can't pass judgement until I've heard the  
11 entire situation.

12 THE COURT: And so in essence what I'm  
13 saying is, does the nature of the charge invoke any  
14 emotion in you such that you could not rationally make a  
15 decision?

16 PROSPECTIVE JUROR BLINDEAGLE: No. It  
17 would not affect any decision-making at all.

18 THE COURT: Do you know any of the  
19 other prospective jurors?

20 PROSPECTIVE JUROR BLINDEAGLE: No.

21 THE COURT: Have you any racial  
22 prejudice?

23 PROSPECTIVE JUROR BLINDEAGLE: No.

24 THE COURT: Do you understand that an  
25 Information -- and I should tell you that the document

1 that the charge is typed on, that document is called an  
2 Information.

3 The question is, do you understand that an  
4 Information is a mere accusation and not evidence, that  
5 the Defendant is presumed to be innocent until proven  
6 guilty, and that the State has the burden of proving the  
7 defendant's guilt beyond a reasonable doubt?

8 PROSPECTIVE JUROR BLINDEAGLE: Yes.

9 THE COURT: If you were charged with an  
10 offense similar to the one that's alleged in this case, or  
11 if you were prosecuting this case, would you want 12  
12 individuals such as yourself to be on your jury?

13 PROSPECTIVE JUROR BLINDEAGLE: Yes, I  
14 would.

15 THE COURT: Do you know of any reason  
16 at all why you could not be completely fair and completely  
17 impartial in hearing this case?

18 PROSPECTIVE JUROR BLINDEAGLE: No.

19 THE COURT: Ms. Blindeagle, these  
20 proceedings may be conducted in two segments. First, the  
21 jury will determine if the defendant is guilty.  
22 Punishment would not be considered at that time.

23 Second, if the jury finds the defendant  
24 guilty of first degree murder, then the law of this state  
25 requires that the jury set the punishment. I would set a

1 date for a hearing on the subject of punishment; do you  
2 understand?

3 PROSPECTIVE JUROR BLINDEAGLE: Uh-huh.

4 THE COURT: Is that a yes?

5 PROSPECTIVE JUROR BLINDEAGLE: Yes, I  
6 do.

7 THE COURT: In the State of Nevada  
8 under these circumstances, there are two possible forms of  
9 punishment that the jury may consider; life imprisonment  
10 without the possibility of parole, or life imprisonment or  
11 a term of 50 years with the possibility of parole.

12 Do you understand that?

13 PROSPECTIVE JUROR BLINDEAGLE: Yes, do.

14 THE COURT: In your present state of  
15 mind, could you consider fairly both possible forms of  
16 punishment and select the one that you feel is most  
17 appropriate?

18 PROSPECTIVE JUROR BLINDEAGLE: Yes, I  
19 could.

20 THE COURT: Are there questions from  
21 the State?

22 MS. GOETTSCH: I just have one. The  
23 first husband that you had some problems with, did that  
24 end in a divorce?

25 PROSPECTIVE JUROR BLINDEAGLE: Yes, it

1 did. It ended in divorce.

2 THE COURT: How long ago was that?

3 PROSPECTIVE JUROR BLINDEAGLE: Twelve,  
4 11 years ago.

5 MS. GOETTSCH: Thank you. I pass for  
6 cause.

7 THE COURT: Thank you.  
8 Defense counsel?

9 MR. BLOOM: Thank you.

10 Good afternoon, Ms. Blindeagle. I want to  
11 touch on the same area that Ms. Goettsch touched on.

12 Because you, yourself, as you've described,  
13 were a victim of a domestic violence situation, and I  
14 understand it was sometime ago, and what I'd like to know  
15 from you to kind of look now and ask yourself, if you  
16 haven't already since the charges have been alleged, and I  
17 know you don't know the facts of this case, you just heard  
18 the allegation, but do you think there's something about  
19 your own experience with that domestic violence situation  
20 which might touch you inside, such as at some point in the  
21 trial the emotions would control instead of you, yourself,  
22 objectively evaluating the evidence?

23 Do you think that might happen? The  
24 emotions might take over?

25 PROSPECTIVE JUROR BLINDEAGLE: No. I



1 try very hard not to let my emotions affect my  
2 decision-making.

3 MR. BLOOM: And you understand if  
4 you -- the question of punishment never gets to you until,  
5 of course, there's a whole trial before that?

6 You may never get to that position?

7 PROSPECTIVE JUROR BLINDEAGLE: Uh-huh,  
8 yes.

9 MR. BLOOM: Thank you, Your Honor.  
10 Nothing further.

11 THE COURT: Pass for cause, Mr. Bloom?

12 MR. BLOOM: Yes, Your Honor, I do.

13 THE COURT: Mr. Denorio, would you tell  
14 us, please, of your employment, your marital status, the  
15 number of children you may have, and how long you've lived  
16 in Clark County.

17 PROSPECTIVE JUROR DENORIO: I work in  
18 the finance department of Station Casinos. I've been here  
19 for six years, and I have two sons. I am married. I have  
20 two sons, one is 29, and one is 23.

21 THE COURT: Sir, are either of your  
22 sons or their spouses involved in a law-related  
23 occupation?

24 PROSPECTIVE JUROR DENORIO: No, they  
25 are not.

1 THE COURT: Have you been with Station  
2 Casinos the entire time you've lived in Clark County?

3 PROSPECTIVE JUROR DENORIO: No, I have  
4 not.

5 THE COURT: What other jobs have you  
6 had here, sir?

7 PROSPECTIVE JUROR DENORIO: I also  
8 worked for Imperial Palace, same kind of work.

9 THE COURT: Is your wife employed  
10 outside the home?

11 PROSPECTIVE JUROR DENORIO: Yes, she  
12 is.

13 THE COURT: What does she do?

14 PROSPECTIVE JUROR DENORIO: She works  
15 as a purchasing agent for KB Homes.

16 THE COURT: What does she purchase?

17 PROSPECTIVE JUROR DENORIO: Equipment  
18 and stuff like that.

19 THE COURT: Home builders?

20 PROSPECTIVE JUROR DENORIO: Yes; office  
21 equipment.

22 THE COURT: Any other work here in  
23 Clark County on her part?

24 PROSPECTIVE JUROR DENORIO: She worked  
25 briefly for a collection agency.

1 THE COURT: Where are you from?

2 Actually, where did you move from when you came here?

3 PROSPECTIVE JUROR DENORIO: We moved  
4 from Long Island, New York.

5 THE COURT: How long did you live  
6 there?

7 PROSPECTIVE JUROR DENORIO: Fifty  
8 years.

9 THE COURT: Your occupation there was?

10 PROSPECTIVE JUROR DENORIO: My last  
11 occupation there was, I was self-employed. I owned a dry  
12 cleaning business.

13 THE COURT: What other work have you  
14 had as an adult?

15 PROSPECTIVE JUROR DENORIO: Prior to  
16 that I worked for the Internal Revenue Service.

17 THE COURT: How long?

18 PROSPECTIVE JUROR DENORIO: For 13  
19 years.

20 THE COURT: Were you ever in the  
21 military?

22 PROSPECTIVE JUROR DENORIO: Yes, I was.

23 THE COURT: What branch?

24 PROSPECTIVE JUROR DENORIO: United  
25 States Air Force.

1 THE COURT: Your area of responsibility  
2 in the Air Force was what?

3 PROSPECTIVE JUROR DENORIO: I worked  
4 with the command post.

5 THE COURT: You mean landing planes?

6 PROSPECTIVE JUROR DENORIO: What I  
7 dealt with was mostly contact with air crew to guide them  
8 as to where they can park and where they land.

9 THE COURT: So you were working ground  
10 traffic, basically?

11 PROSPECTIVE JUROR DENORIO: Yes.

12 THE COURT: You are from what town in  
13 New York?

14 PROSPECTIVE JUROR DENORIO: Shirley,  
15 New York.

16 THE COURT: Is that where you're from  
17 originally?

18 PROSPECTIVE JUROR DENORIO: Originally  
19 from Mastic Beach, and Brooklyn prior to that.

20 THE COURT: Where would you say you  
21 grew up?

22 PROSPECTIVE JUROR DENORIO: Mastic  
23 Beach, New York.

24 THE COURT: Any other employment that  
25 you have not mentioned as an adult?

1 PROSPECTIVE JUROR DENORIO: No.

2 THE COURT: Have you any prejudice as  
3 to the nature of the charge in this case?

4 You were present when we went through the  
5 situation with the baby in the dumpster and that analogy.

6 PROSPECTIVE JUROR DENORIO: No. I  
7 don't believe so.

8 THE COURT: Do you know any of the  
9 other prospective jurors?

10 PROSPECTIVE JUROR DENORIO: No, I do  
11 not.

12 THE COURT: Have you any racial  
13 prejudice?

14 PROSPECTIVE JUROR DENORIO: No, I do  
15 not

16 THE COURT: Do you understand that an  
17 information is a mere accusation and not evidence, that  
18 the Defendant is presumed to be innocent until proven  
19 guilty, and that the State has the burden of proving the  
20 defendant's guilt beyond a reasonable doubt?

21 PROSPECTIVE JUROR DENORIO: Yes. I  
22 understand that.

23 THE COURT: If you were charged with an  
24 offense similar to the one that's alleged in this case, or  
25 if you were prosecuting this case, would you want 12

1 individuals such as yourself to be on your jury?

2 PROSPECTIVE JUROR DENORIO: Yes.

3 THE COURT: Do you know of any reason  
4 at all why you could not be completely fair and completely  
5 impartial in hearing this matter?

6 PROSPECTIVE JUROR DENORIO: No, I do  
7 not

8 THE COURT: These proceedings may be  
9 conducted in two segments. First, the jury will determine  
10 if the defendant is guilty. Punishment would not be  
11 considered at that time.

12 Second, if the jury finds the defendant  
13 guilty of first degree murder, then the law of this state  
14 requires that the jury set the punishment. I would set a  
15 date for a hearing on the subject of punishment; do you  
16 understand?

17 PROSPECTIVE JUROR DENORIO: Yes, I do.

18 THE COURT: In the State of Nevada  
19 under these circumstances, there are two possible forms of  
20 punishment that the jury may consider; life imprisonment  
21 without the possibility of parole, or life imprisonment or  
22 a term of 50 years with the possibility of parole.

23 Do you understand that?

24 PROSPECTIVE JUROR DENORIO: Yes, I do.

25 THE COURT: In your present state of

1 mind, could you consider fairly both possible forms of  
2 punishment and select the one that you feel is most  
3 appropriate?

4 PROSPECTIVE JUROR DENORIO: Yes, I can.

5 THE COURT: Questions from the State?

6 MS. GOETTSCH: Thank you, Judge.

7 Mr. Denorio, we heard about your employment  
8 history. Let me just ask you this. Have you ever had any  
9 job duties that involved hiring and firing decisions?

10 PROSPECTIVE JUROR DENORIO: No, I have  
11 not.

12 MS. GOETTSCH: Even when you ran the  
13 dry cleaning business?

14 PROSPECTIVE JUROR DENORIO: Actually, I  
15 ran it pretty much on my own with my partner.

16 MS. GOETTSCH: The door was opening and  
17 closing while we were talking about your military  
18 obligations. I didn't hear the answer to that.

19 PROSPECTIVE JUROR DENORIO: I worked  
20 for the air traffic control. It wasn't in a tower, but we  
21 had an office set aside where we would be in contact with  
22 aircraft and tell them where they can land when they do  
23 land.

24 MS. GOETTSCH: Were you involved in  
25 decisions that were sort of stressful decisions of getting

1 planes to land safely with possible lives at stake, or  
2 equipment at stake?

3 PROSPECTIVE JUROR DENORIO: Not  
4 generally, no.

5 MS. GOETTSCH: The reason I'm asking  
6 these questions is, because we're here to pick jurors for  
7 a murder trial. At the risk of being flip, I want jurors  
8 that are comfortable making sort of big ticket decisions,  
9 things where something matters.

10 Are you the type of person that's going to  
11 have problems making those types of decisions?

12 PROSPECTIVE JUROR DENORIO: No, I  
13 won't.

14 MS. GOETTSCH: You said you have two  
15 sons, 29 and 23. Were you involved in raising them from  
16 their youth?

17 PROSPECTIVE JUROR DENORIO: Yes.

18 MS. GOETTSCH: Were there ever times  
19 they argued or disagreed and you had to sort out the  
20 dispute between them?

21 PROSPECTIVE JUROR DENORIO: Yes.

22 MS. GOETTSCH: What did you use to do  
23 that?

24 PROSPECTIVE JUROR DENORIO: Just  
25 reasoning, hopefully.



1 MS. GOETTSCH: Can you bring that same  
2 kind of common sense to this courtroom as a juror, if you  
3 were selected?

4 PROSPECTIVE JUROR DENORIO: I believe  
5 so, ma'am.

6 MS. GOETTSCH: Pass for cause, Judge.

7 THE COURT: Mr. Bloom?

8 MR. BLOOM: Thank you, Your Honor.  
9 Good afternoon. Please tell me, sir, when you worked for  
10 the IRS what your tasks were?

11 PROSPECTIVE JUROR DENORIO: I was an  
12 auditor with the IRS. I reviewed and made decisions on  
13 who should get audits and who shouldn't.

14 MR. BLOOM: And you're back doing  
15 financial work at this time?

16 PROSPECTIVE JUROR DENORIO: Yes.

17 MR. BLOOM: And as I understand it, you  
18 have not been a juror before?

19 PROSPECTIVE JUROR DENORIO: No, I have  
20 not. Let me backtrack. I was selected for a jury. We  
21 sat in the room for three days but never got to the  
22 courtroom.

23 MR. BLOOM: Not to the courtroom  
24 itself?

25 PROSPECTIVE JUROR DENORIO: No. They

1 didn't make us sit on that case.

2 MR. BLOOM: With regard to Judge  
3 Mosley's questions to you about the nature of the charge,  
4 do you feel having heard the nature of the charge you  
5 still are sitting there and can be a fair juror in this  
6 case?

7 PROSPECTIVE JUROR DENORIO: Yes.

8 MR. BLOOM: Thank you. Pass for cause.

9 THE COURT: Ms. Alley, tell us, please,  
10 of your employment, your marital status, the number of  
11 children you may have, and how long you've lived in Clark  
12 County.

13 PROSPECTIVE JUROR ALLEY: I'm a TV  
14 production instructor in the process of being divorced, no  
15 children, lived here ten years.

16 THE COURT: As a TV production  
17 instructor, from day to day what would your job be?

18 PROSPECTIVE JUROR ALLEY: Making sure  
19 that 30 kids learn about how to operate professional video  
20 equipment, and write a few stories.

21 THE COURT: Do you teach in the school  
22 district?

23 PROSPECTIVE JUROR ALLEY: At the  
24 Vocational Technical Center.

25 THE COURT: And that is the nature your

1 course is this production?

2 PROSPECTIVE JUROR ALLEY: Yes, uh-huh.

3 THE COURT: Have you taught anything  
4 else over the years?

5 PROSPECTIVE JUROR ALLEY: Speech and  
6 English, mathematics.

7 THE COURT: Any other work as an adult,  
8 other than teaching?

9 PROSPECTIVE JUROR ALLEY: Yeah, quite a  
10 bit; dental assistant, aerobic instructor, assistant  
11 bookkeeper, swimming instructor, physical education  
12 instructor, a waitress, a prep cook, a life guard. That's  
13 about it.

14 THE COURT: And you say you're in the  
15 process of getting a divorce?

16 PROSPECTIVE JUROR ALLEY: Uh-huh.

17 THE COURT: You sound very up-beat?

18 PROSPECTIVE JUROR ALLEY: He's a good  
19 guy.

20 THE COURT: What is your current  
21 husband's occupation?

22 PROSPECTIVE JUROR ALLEY: He's a  
23 special education aide with the School District.

24 THE COURT: What does that mean,  
25 exactly?

1 PROSPECTIVE JUROR ALLEY: He helps  
2 autistic children during the day and provides support for  
3 the actual teacher.

4 THE COURT: And you indicate you have  
5 no children?

6 PROSPECTIVE JUROR ALLEY: Right.

7 THE COURT: And you moved here ten  
8 years ago?

9 PROSPECTIVE JUROR ALLEY: About that,  
10 yeah.

11 THE COURT: From where?

12 PROSPECTIVE JUROR ALLEY: Southern  
13 California.

14 THE COURT: What city?

15 PROSPECTIVE JUROR ALLEY: Long Beach,  
16 California.

17 THE COURT: Is that where you're from?

18 PROSPECTIVE JUROR ALLEY: No.

19 THE COURT: How long did you live in  
20 Long Beach?

21 PROSPECTIVE JUROR ALLEY: About four  
22 years.

23 THE COURT: Is that where you had some  
24 of the jobs that you mentioned?

25 PROSPECTIVE JUROR ALLEY: I was also a

1 compositor for the newspaper, primarily in Long Beach.

2 THE COURT: Prior to Long Beach, where  
3 did you live?

4 PROSPECTIVE JUROR ALLEY: Hawthorne,  
5 California.

6 THE COURT: How long did you live  
7 there?

8 PROSPECTIVE JUROR ALLEY: About two  
9 years.

10 THE COURT: And prior to that?

11 PROSPECTIVE JUROR ALLEY: Walnut,  
12 California. That's where I pretty much grew up.

13 THE COURT: Have you any prejudice as  
14 to the nature of the charge in this case?

15 PROSPECTIVE JUROR ALLEY: No.

16 THE COURT: Do you know any of the  
17 other prospective jurors?

18 PROSPECTIVE JUROR ALLEY: No.

19 THE COURT: Have you any racial  
20 prejudice?

21 PROSPECTIVE JUROR ALLEY: I think we  
22 all have some, but not to any extent.

23 THE COURT: Do you think any that would  
24 affect your evaluation of witnesses?

25 PROSPECTIVE JUROR ALLEY: No.

1 THE COURT: Do you understand that an  
2 Information is a mere accusation and not evidence, that  
3 the Defendant is presumed to be innocent until proven  
4 guilty, and that the State has the burden of proving the  
5 defendant's guilt beyond a reasonable doubt?

6 PROSPECTIVE JUROR ALLEY: Absolutely.

7 THE COURT: If you were charged with an  
8 offense similar to the one that's alleged in this case, or  
9 if you were prosecuting this case, would you want 12  
10 individuals such as yourself to be on your jury?

11 PROSPECTIVE JUROR ALLEY: Yes.

12 THE COURT: Do you know of any reason  
13 at all why you cannot be completely fair and completely  
14 impartial in hearing this matter?

15 PROSPECTIVE JUROR ALLEY: No.

16 THE COURT: Mrs. Alley, these  
17 proceedings may be conducted in two segments. First, the  
18 jury will determine if the defendant is guilty.  
19 Punishment would not be considered at that time.

20 Second, if the jury finds the defendant  
21 guilty of first degree murder, then the law of this state  
22 requires that the jury set the punishment. I would set a  
23 date for a hearing on the subject of punishment; do you  
24 understand?

25 PROSPECTIVE JUROR ALLEY: Yes.

1 THE COURT: In the State of Nevada  
2 under these circumstances, there are two possible forms of  
3 punishment that the jury may consider; life imprisonment  
4 without the possibility of parole, or life imprisonment or  
5 a term of 50 years with the possibility of parole.

6 Do you understand that?

7 PROSPECTIVE JUROR ALLEY: Yes.

8 THE COURT: In your present state of  
9 mind, could you consider fairly both possible forms of  
10 punishment and select the one that feel is most  
11 appropriate?

12 PROSPECTIVE JUROR ALLEY: Yes.

13 THE COURT: Questions from the State?

14 MR. PETERSON: Yes, Your Honor.

15 The children that you teach, how old are  
16 they?

17 PROSPECTIVE JUROR ALLEY: They range  
18 from 14 to 17.

19 MS. GOETTSCH: High school kids?

20 PROSPECTIVE JUROR ALLEY: Yeah.

21 MS. GOETTSCH: How long have you been  
22 married?

23 PROSPECTIVE JUROR ALLEY: Seven years.

24 MS. GOETTSCH: So that all takes place  
25 here in Las Vegas?

1 PROSPECTIVE JUROR ALLEY: One year was  
2 in Costa Rico, where we met.

3 MS. GOETTSCH: What were you doing in  
4 Costa Rico?

5 PROSPECTIVE JUROR ALLEY: Finishing my  
6 Master's Degree.

7 MS. GOETTSCH: Doctorate or Masters?

8 PROSPECTIVE JUROR ALLEY: Masters, but  
9 also towards the Doctorate Degree.

10 MS. GOETTSCH: Thank you. I pass for  
11 cause.

12 THE COURT: Defense counsel?

13 MR. BLOOM: Thank you, Your Honor.

14 Good afternoon, Ms. Alley. If I could pick  
15 up at that point. Where did you get your education,  
16 please?

17 PROSPECTIVE JUROR ALLEY: My Bachelor  
18 Degree from the University Southern California; the  
19 Masters from UNLV.

20 MR. BLOOM: As the Judge also noted,  
21 you're very upbeat at this point. Even when you mentioned  
22 your divorce, that obviously is not a big emotional -- it  
23 appears, am I correct, not a big emotional thing for you  
24 at this time?

25 PROSPECTIVE JUROR ALLEY: No. It's the



1 best thing for both of us. He's a nice guy, I just don't  
2 want to be married to him anymore.

3 MR. BLOOM: Have you ever made a  
4 decision that would be as important as this decision?

5 PROSPECTIVE JUROR ALLEY: Yes.

6 MR. BLOOM: Give me an example.

7 PROSPECTIVE JUROR ALLEY: I was on a  
8 criminal case a while ago, 12, 14 years ago, and we had to  
9 make a decision similar based on what the Judge had told  
10 me about.

11 MR. BLOOM: And in that case, without  
12 telling me the verdict, but what were the nature of the  
13 charges?

14 PROSPECTIVE JUROR ALLEY: Intent to  
15 murder.

16 MR. BLOOM: In California?

17 PROSPECTIVE JUROR ALLEY: Uh-huh.

18 MR. BLOOM: Thank you, Mr. Alley. Pass  
19 for cause.

20 THE COURT: Mr. Marin, sir, tell us,  
21 please, of your employment, your marital status, the  
22 number of children you may have, and how long you've lived  
23 in Clark County.

24 PROSPECTIVE JUROR MARIN: I've got five  
25 years here living. I've got a kid, three years, a

1 daughter. And I don't have a job right now, but I used to  
2 work on wood floors.

3 THE COURT: How long have you lived in  
4 Clark County?

5 PROSPECTIVE JUROR MARIN: Five years.

6 THE COURT: And you are not currently  
7 employed?

8 PROSPECTIVE JUROR MARIN: No.

9 THE COURT: Did you say you were  
10 married?

11 PROSPECTIVE JUROR MARIN: No. I've got  
12 a daughter.

13 THE COURT: And your daughter is how  
14 old?

15 PROSPECTIVE JUROR MARIN: Three.

16 THE COURT: What kind of work have you  
17 had here in Clark County?

18 PROSPECTIVE JUROR MARIN: Install wood  
19 floors.

20 THE COURT: For a company?

21 PROSPECTIVE JUROR MARIN: Yeah.

22 THE COURT: Any other work here in  
23 Clark County?

24 PROSPECTIVE JUROR MARIN: Huh-uh.

25 THE COURT: Where did you move from

1 when you came here?

2 PROSPECTIVE JUROR MARIN: I was in  
3 California.

4 THE COURT: What city?

5 PROSPECTIVE JUROR MARIN: Compton. But  
6 I was in Mexico when I was two. I went to live in Mexico  
7 and came back when I was 14. And I stayed for a year,  
8 then went back, and just came back here.

9 THE COURT: Now, when you came back the  
10 first time you lived in Compton, California?

11 PROSPECTIVE JUROR MARIN: Yes.

12 THE COURT: How old were you then?

13 PROSPECTIVE JUROR MARIN: I was 10, 12.

14 THE COURT: What kinds of work have you  
15 done as an adult, either here or in Mexico?

16 PROSPECTIVE JUROR MARIN: That's all  
17 I've done.

18 THE COURT: Putting down flooring?

19 PROSPECTIVE JUROR MARIN: Yeah.

20 THE COURT: Have you been married?

21 PROSPECTIVE JUROR MARIN: No.

22 THE COURT: Have you any prejudice as  
23 to the nature of the charge in this case?

24 PROSPECTIVE JUROR MARIN: No.

25 THE COURT: Do you know any of the

1 other prospective jurors?

2 PROSPECTIVE JUROR MARIN: No.

3 THE COURT: Have you any racial  
4 prejudice?

5 PROSPECTIVE JUROR MARIN: No.

6 THE COURT: Do you understand that an  
7 information is a mere accusation and not evidence, that  
8 the Defendant is presumed to be innocent until proven  
9 guilty, and that the State has the burden of proving the  
10 defendant's guilt beyond a reasonable doubt?

11 PROSPECTIVE JUROR MARIN: Yes

12 THE COURT: If you were charged with an  
13 offense similar to the one that's alleged in this case, or  
14 if you were prosecuting this case, would you want 12  
15 individuals such as yourself to be on your jury?

16 PROSPECTIVE JUROR MARIN: Yes.

17 THE COURT: Do you know of any reason  
18 at all why you cannot be completely fair and completely  
19 impartial in hearing this case?

20 PROSPECTIVE JUROR MARIN: No.

21 THE COURT: Mr. Marin, these  
22 proceedings may be conducted in two segments. First, the  
23 jury will determine if the defendant is guilty.  
24 Punishment would not be considered at that time.

25 Second, if the jury finds the defendant

1 guilty of first degree murder, then the law of this state  
2 requires that the jury set the punishment. I would set a  
3 date for a hearing on the subject of punishment; do you  
4 understand?

5 PROSPECTIVE JUROR MARIN: Yes.

6 THE COURT: In the State of Nevada  
7 under these circumstances, there are two possible forms of  
8 punishment that the jury may consider; life imprisonment  
9 without the possibility of parole, or life imprisonment or  
10 a term of 50 years with the possibility of parole.

11 Do you understand that?

12 PROSPECTIVE JUROR MARIN: Yes.

13 THE COURT: In your present state of  
14 mind, could you consider fairly both possible forms of  
15 punishment and select the one that feel is most  
16 appropriate?

17 PROSPECTIVE JUROR MARIN: I don't get  
18 that question.

19 THE COURT: Well, do you understand  
20 that if we got to the point where the jury would have to  
21 choose a punishment, you would have two choices that would  
22 be your option; life imprisonment without the possibility  
23 of parole, or life imprisonment or a term of 50 years with  
24 the possibility of parole.

25 Do you understand the difference there?

1 PROSPECTIVE JUROR MARIN: Right.

2 THE COURT: Do you think you could  
3 choose fairly between those two and come up with the  
4 proper punishment?

5 PROSPECTIVE JUROR MARIN: Yes.

6 THE COURT: Questions from the State?

7 MR. PETERSON: Mr. Marin, did you say  
8 you live sometimes out of the country?

9 PROSPECTIVE JUROR MARIN: Yes.

10 THE COURT: Is English your primary  
11 language?

12 PROSPECTIVE JUROR MARIN: No.

13 MR. PETERSON: You have had some  
14 difficulty, I think, answering the questions of the Judge.  
15 If you're selected as a juror, you're all going to have to  
16 get in a room and sometimes it gets heated and the  
17 discussion goes fast.

18 Are there any language issues you have going  
19 to impede you in being able to do those things?

20 PROSPECTIVE JUROR MARIN: Yes. Because  
21 I don't speak real good.

22 MR. PETERSON: We're going to have a  
23 lot of witnesses come on that witness stand and speak.  
24 Are you going to have a hard time perhaps understanding  
25 them?

1 PROSPECTIVE JUROR MARIN: Yeah.

2 THE COURT: May I inquire, counsel?

3 Mr. Marin, do you understand conversational  
4 English? In other words, just what people say on the  
5 street back and forth?

6 PROSPECTIVE JUROR MARIN: I get some of  
7 it, not all of it.

8 THE COURT: Do you think if we start  
9 speaking in medical terms or legal terms you may have  
10 difficulty?

11 PROSPECTIVE JUROR MARIN: Yes.

12 THE COURT: Do you think you might miss  
13 some of what is said?

14 PROSPECTIVE JUROR MARIN: Yeah.

15 THE COURT: Would you like to inquire?

16 MR. BLOOM: I would, Your Honor.

17 Mr. Marin, have you understood everything  
18 that has been going on here today?

19 PROSPECTIVE JUROR MARIN: Some of it,  
20 not all.

21 MR. BLOOM: What types of things do you  
22 think you've missed on?

23 PROSPECTIVE JUROR MARIN: I cannot say.

24 MR. MARIN: In your work do you speak  
25 English?

1 PROSPECTIVE JUROR MARIN: No.

2 MR. BLOOM: At home do you speak  
3 English?

4 PROSPECTIVE JUROR MARIN: No.

5 MR. BLOOM: How long have you spoken  
6 English yourself, sir?

7 PROSPECTIVE JUROR MARIN: Only when I  
8 go to school.

9 THE COURT: How old are you now?

10 PROSPECTIVE JUROR MARIN: Twenty-one.

11 MR. BLOOM: How long has it been since  
12 you spoke English? Since five years old?

13 PROSPECTIVE JUROR MARIN: Yes.

14 MR. BLOOM: When you attended  
15 school -- when did you start school in the United States?

16 PROSPECTIVE JUROR MARIN: When I was in  
17 first grade. I moved, then I was in high school, ninth  
18 grade only here.

19 MR. BLOOM: When you were in first  
20 grade you were in an English speaking school; is that  
21 correct?

22 PROSPECTIVE JUROR MARIN: No. I  
23 learned it on the streets. I learned it.

24 MR. BLOOM: Could you tell me the  
25 language in the school you were at? What country were you



1 in when you were not in the U.S.?

2 PROSPECTIVE JUROR MARIN: Mexico.

3 MR. BLOOM: How long did you stay in  
4 school in Mexico? Up until how old?

5 PROSPECTIVE JUROR MARIN: I was first  
6 to third grade I was here; since fourth grade to eighth  
7 grade.

8 MR. BLOOM: Back here the ninth grade?

9 PROSPECTIVE JUROR MARIN: Yes.

10 MR. BLOOM: Then did you go to high  
11 school, tenth grade?

12 PROSPECTIVE JUROR MARIN: No. I went  
13 back.

14 MR. BLOOM: So it seems you're  
15 understanding me, and it seems you understood the Judge.  
16 Am I wrong and are you missing some things?

17 I'm saying right now, sir.

18 PROSPECTIVE JUROR MARIN: Some of them  
19 I understand if you go slow and all that, but if you guys  
20 talk faster, I don't get it all.

21 MR. BLOOM: I see. Thank you very  
22 much, Mr. Marin. Thank you, Your Honor.

23 THE COURT: Motion to excuse for cause?

24 MR. PETERSON: Yes, Judge. And I don't  
25 mean to disrespect, just under the general circumstances.

1 THE COURT: Mr. Bloom?

2 MR. BLOOM: I do not agree, Your Honor.

3 THE COURT: Well, I would agree that  
4 Mr. Marin is doing reasonably well in his English. But as  
5 counsel is aware, we're going to have a number of medical  
6 experts and things of that nature, and I'm a little  
7 concerned about that.

8 I'm going to excuse Mr. Marin this time.  
9 Come back in a few years when you get better with your  
10 English. Will you do that?

11 PROSPECTIVE JUROR MARIN: Yes.

12 THE COURT: Go downstairs and tell the  
13 Jury Commissioner.

14 THE CLERK: Badge 327, James Owen,  
15 O-w-e-n.

16 THE COURT: Mr. Owen, do you know of  
17 any reason why you could not serve as a fair juror in this  
18 particular case?

19 PROSPECTIVE JUROR OWEN: No, sir.

20 THE COURT: Have you served as a juror  
21 before?

22 PROSPECTIVE JUROR OWEN: No, sir.

23 THE COURT: Are you or any of your  
24 close friends or relatives involved in law enforcement, or  
25 have you been in the past?

1 PROSPECTIVE JUROR OWEN: No, sir.

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

4 PROSPECTIVE JUROR OWEN: No, sir.

5 THE COURT: Will you follow all the  
6 instructions of the Court on the law, even though they may  
7 differ from your personal conceptions of what the law  
8 ought to be?

9 PROSPECTIVE JUROR OWEN: Yes, sir.

10 THE COURT: A person who is accused of  
11 committing a crime is presumed to be innocent in a  
12 criminal trial. Do you understand and agree with that?

13 PROSPECTIVE JUROR OWEN: That's  
14 correct.

15 THE COURT: Are you aware that the  
16 defendant does not have to take the stand and testify or  
17 offer any evidence if he chooses not to, and you can still  
18 find him not guilty? That's because the burden is upon  
19 the State to prove his guilt beyond a reasonable doubt.

20 PROSPECTIVE JUROR OWEN: Yes, I do.

21 THE COURT: Have you or a close friend  
22 or family member ever been involved in the criminal  
23 justice process, either in prosecuting a case, or as a  
24 witness, or as a defendant?

25 PROSPECTIVE JUROR OWEN: I testified at

1 a court martial back in the '60s.

2 THE COURT: Was that for one case?

3 PROSPECTIVE JUROR OWEN: Just one case.

4 THE COURT: And which side called you?

5 PROSPECTIVE JUROR OWEN: Prosecution.

6 THE COURT: Do you think that  
7 experience would have any bearing on your view of this  
8 case?

9 PROSPECTIVE JUROR OWEN: No, sir.

10 THE COURT: Have you ever been, or do  
11 you know anyone who has been a victim of domestic  
12 violence?

13 PROSPECTIVE JUROR OWEN: No, sir.

14 THE COURT: Have you or someone you  
15 know ever been accused of domestic violence?

16 PROSPECTIVE JUROR OWEN: No, sir.

17 THE COURT: Tell us, please, of your  
18 employment, your marital status, the number of children  
19 you may have, and how long you've lived in Clark County.

20 PROSPECTIVE JUROR OWEN: I have lived  
21 in Clark County for ten years and one month. I am a  
22 director of retail for one of the casinos in the Mandalay  
23 Resort Group. I have five kids, the youngest one is 32.

24 THE COURT: Are you currently married?

25 PROSPECTIVE JUROR OWEN: Yes, sir.

1 THE COURT: Are any of your children or  
2 their spouses involved in a law-related occupation?

3 PROSPECTIVE JUROR OWEN: No, sir.

4 THE COURT: How long have you been with  
5 your current employer?

6 PROSPECTIVE JUROR OWEN: For  
7 seven-and-a-half years.

8 THE COURT: And what does your job  
9 entail?

10 PROSPECTIVE JUROR OWEN: I'm the  
11 director of two casinos which have gift shops, and I have  
12 two service stations. I do the hiring and the terminating  
13 and oversee all the operations of what goes on.

14 THE COURT: In the retail shops?

15 PROSPECTIVE JUROR OWEN: The retail  
16 shops, that's correct.

17 THE COURT: And what other work, if  
18 any, have you had here in Clark County?

19 PROSPECTIVE JUROR OWEN: I flew for a  
20 little while. I'm a retired military pilot, helicopter  
21 pilot. I flew Sundance Helicopters for a short period of  
22 time.

23 After I retired I came here. My daughter  
24 was in school. We came here to visit and I worked as a  
25 pilot for a short period of time. I did a casual with the

1 Post Office over the holidays. I worked up at Mt.  
2 Charleston as a night auditor.

3 THE COURT: What entity at Mt.  
4 Charleston?

5 PROSPECTIVE JUROR OWEN: The hotel.

6 THE COURT: The lodge up higher?

7 PROSPECTIVE JUROR OWEN: The lower one.

8 THE COURT: Were you stationed out here  
9 at Nellis?

10 PROSPECTIVE JUROR OWEN: No, sir, I  
11 wasn't.

12 THE COURT: Then when you came to Las  
13 Vegas, gleaned from what you told me, you had retired  
14 from the military?

15 PROSPECTIVE JUROR OWEN: That's  
16 correct.

17 THE COURT: Air Force?

18 PROSPECTIVE JUROR OWEN: Army.

19 THE COURT: And you were in the Army  
20 for how long?

21 PROSPECTIVE JUROR OWEN: Active duty,  
22 27-and-a-half years; three years of reserve time. I took  
23 a break.

24 THE COURT: I'm assuming stationed in  
25 various areas?

1 PROSPECTIVE JUROR OWEN: Overseas.  
2 Nineteen years were overseas. The last 12 years were in  
3 Europe.

4 THE COURT: When you joined the Army  
5 where were you living?

6 PROSPECTIVE JUROR OWEN: I was born in  
7 Daytona Beach. I joined the Army in Daytona Beach, and I  
8 was enlisted and spent a couple years. And I picked up  
9 flight school and spent 28 years as officer and a pilot.

10 THE COURT: You grew up there in  
11 Daytona?

12 PROSPECTIVE JUROR OWEN: That's  
13 correct.

14 THE COURT: As a military pilot what  
15 did you fly?

16 PROSPECTIVE JUROR OWEN: Primarily  
17 helicopters.

18 THE COURT: Is your wife employed  
19 outside the home?

20 PROSPECTIVE JUROR OWEN: No, she's not.

21 THE COURT: Has she been in the past?

22 PROSPECTIVE JUROR OWEN: Only for a  
23 short period of time many years ago.

24 THE COURT: What did she do?

25 PROSPECTIVE JUROR OWEN: She worked at

1 a bowling alley when we were stationed in Japan.

2 THE COURT: Have you any prejudice as  
3 to the nature of the charge in this case?

4 PROSPECTIVE JUROR OWEN: No, sir.

5 THE COURT: Do you know any of the  
6 other prospective jurors?

7 PROSPECTIVE JUROR OWEN: I recognized  
8 one gentleman that's sitting there that I have had some  
9 work dealings with years ago.

10 THE COURT: Anyone know who he's  
11 talking about?

12 PROSPECTIVE JUROR OWEN: The man in the  
13 green jacket.

14 THE COURT: What is your name, sir?

15 PROSPECTIVE JUROR DEEN: Lloyd Deen.

16 THE COURT: So you are familiar with  
17 him through some employment?

18 PROSPECTIVE JUROR OWEN: I was manager,  
19 retail manager at the Monte Carlo, and he was one our  
20 vendors. I saw him as a vendor occasionally.

21 THE COURT: I should explain to you,  
22 Mr. Deen and Mr. Owen, there's no prohibition against  
23 people who are acquainted serving on a jury together. The  
24 only difficulty that possibly could arise is where you  
25 have one person that exerts undue influence over the



1 other; employer/employee, or school teacher and student,  
2 and we have a situation like that.

3 Do you see anything like that here?

4 PROSPECTIVE JUROR OWEN: No, sir.

5 THE COURT: Have you any racial  
6 prejudice?

7 PROSPECTIVE JUROR OWEN: No, sir.

8 THE COURT: Do you understand that an  
9 information is a mere accusation and not evidence, that  
10 the Defendant is presumed to be innocent until proven  
11 guilty, and that the State has the burden of proving the  
12 defendant's guilt beyond a reasonable doubt?

13 PROSPECTIVE JUROR OWEN: I do.

14 THE COURT: If you were charged with an  
15 offense similar to the one that's alleged in this case, or  
16 if you were prosecuting this case, would you want 12  
17 individuals such as yourself to be on your jury?

18 PROSPECTIVE JUROR OWEN: I would.

19 THE COURT: Do you know of any reason  
20 at all why you could not be completely fair and completely  
21 impartial in hearing this matter?

22 PROSPECTIVE JUROR OWEN: No, sir.

23 THE COURT: Mr. Owen, these proceedings  
24 may be conducted in two segments. First, the jury will  
25 determine if the defendant is guilty. Punishment would

1 not be considered at that time.

2 Second, if the jury finds the defendant  
3 guilty of first degree murder, then the law of this state  
4 requires that the jury set the punishment. I would set a  
5 date for a hearing on the subject of punishment; do you  
6 understand?

7 PROSPECTIVE JUROR OWEN: I understand.

8 THE COURT: In the State of Nevada  
9 under these circumstances, there are two possible forms of  
10 punishment that the jury may consider; life imprisonment  
11 without the possibility of parole, or life imprisonment or  
12 a term of 50 years with the possibility of parole.

13 Do you understand that?

14 PROSPECTIVE JUROR OWEN: I understand.

15 THE COURT: In your present state of  
16 mind, could you consider fairly both possible forms of  
17 punishment and select the one that you feel is most  
18 appropriate?

19 PROSPECTIVE JUROR OWEN: I could.

20 THE COURT: Are there questions from  
21 the State?

22 MS. GOETTSCH: During your 27 years  
23 with the military, did you have any combat experience?

24 MS. GOETTSCH: Yes, ma'am.

25 THE COURT: Where was that?

1 PROSPECTIVE JUROR OWEN: In Vietnam,  
2 first helicopter pilot.

3 MS. GOETTSCH: One year tour then?

4 PROSPECTIVE JUROR OWEN: One year in  
5 Vietnam, and another couple years, two-and-a-half years in  
6 Thailand.

7 MS. GOETTSCH: And your wife worked  
8 with you in Japan. I take it you've been married to her  
9 for a while?

10 PROSPECTIVE JUROR OWEN: Since '68.

11 MS. GOETTSCH: No divorces?

12 PROSPECTIVE JUROR OWEN: No.

13 MS. GOETTSCH: How about your children?  
14 Have they been divorced?

15 PROSPECTIVE JUROR OWEN: I take that  
16 back. I do have one son that's divorced.

17 MS. GOETTSCH: Were you involved with  
18 that at all?

19 PROSPECTIVE JUROR OWEN: No.

20 MS. GOETTSCH: Are your children male  
21 or female?

22 PROSPECTIVE JUROR OWEN: I've got three  
23 male children, two females.

24 MS. GOETTSCH: Do they live here in Las  
25 Vegas?

1 PROSPECTIVE JUROR OWEN: I have two  
2 sons and a daughter that live here in Nevada.

3 MS. GOETTSCHE: I have nothing further.  
4 I pass for cause.

5 THE COURT: Mr. Bloom?

6 MR. BLOOM: Thank you, Your Honor.

7 Good afternoon, Mr. Owen. Being in the  
8 military that length of time you have given a lot of  
9 orders and you have received a lot of orders, I'm sure?

10 PROSPECTIVE JUROR OWEN: Yes.

11 MR. BLOOM: In this situation of  
12 sitting as a juror, do you believe you would be able to  
13 reach your own independent decision in deciding this case?

14 PROSPECTIVE JUROR OWEN: Yes.

15 MR. BLOOM: Will you follow the Court's  
16 instruction on the law, even the instruction that talks  
17 about proof beyond a reasonable doubt?

18 PROSPECTIVE JUROR OWEN: Yes.

19 MR. BLOOM: Thank you, Mr. Owen. Pass  
20 for cause.

21 THE COURT: Thank you.

22 Mr. Gamboa, tell us, please, of your  
23 employment, your marital status, the number of children  
24 you may have, and how long you've lived in Clark County.

25 PROSPECTIVE JUROR GAMBOA: I've been in

1 Clark County since '71. I'm not married, but we've been  
2 together 23 years. I've got six kids. Two of my boys are  
3 old enough to have their own house. I've got four at  
4 home, and right now I'm starting my 15th year with B and  
5 E, which I started with them.

6 THE COURT: With who?

7 PROSPECTIVE JUROR GAMBOA: B and E,  
8 Bobby Ellis.

9 THE COURT: Are any of your older  
10 children or their spouses involved in a law-related  
11 occupation?

12 PROSPECTIVE JUROR GAMBOA: No.

13 THE COURT: And is your wife, or after  
14 23 years wife, is she employed outside the home?

15 PROSPECTIVE JUROR GAMBOA: She's never  
16 worked.

17 THE COURT: Outside the home?

18 PROSPECTIVE JUROR GAMBOA: I've got  
19 four kids at home that I support still.

20 THE COURT: Are those children with  
21 this lady?

22 PROSPECTIVE JUROR GAMBOA: Yes.

23 THE COURT: Six children?

24 PROSPECTIVE JUROR GAMBOA: The oldest  
25 one, he was five months old when we got together and he's

1 mine, as far as I'm concerned.

2 THE COURT: But it was her child?

3 PROSPECTIVE JUROR GAMBOA: Yes.

4 THE COURT: And you have worked for B  
5 and E how long?

6 PROSPECTIVE JUROR GAMBOA: I started in  
7 '72 when it was Snap Tools. Then after they started B and  
8 E, now I'm starting the 15th year back with B and E,  
9 because I was working for ABC Concrete for five years.

10 THE COURT: What did you do with the  
11 concrete company?

12 PROSPECTIVE JUROR GAMBOA: First year  
13 labor, and the other four years, finisher.

14 THE COURT: And you've seen me out  
15 there?

16 PROSPECTIVE JUROR GAMBOA: Yes.

17 THE COURT: With the shades I didn't  
18 recognize you.

19 PROSPECTIVE JUROR GAMBOA: These are my  
20 only glasses where I can see.

21 THE COURT: I'm a friend of Bobby  
22 Ellis, as you are aware.

23 PROSPECTIVE JUROR GAMBOA: My boys put  
24 signs up for you.

25 THE COURT: I should explain, if it

1 isn't evident. A Judge in a situation like this is kind  
2 of a referee, in a sense. I make sure that the law is  
3 followed, that both sides have a fair opportunity to get  
4 evidence on within certain rules; do you understand?

5 I don't have an axe to grind in this  
6 situation. I'm not for the Prosecution, not for the  
7 Defense. I'm supposed to be neutral.

8 Do you have any problem with that?

9 PROSPECTIVE JUROR GAMBOA: No.

10 THE COURT: Do you have any problem  
11 serving on my jury, sir?

12 PROSPECTIVE JUROR GAMBOA: No, sir.  
13 Just like I told you before earlier when we talked, that  
14 was the only statement I had to say, other than that I  
15 don't have any problems. I'm not trying to get out of it.

16 THE COURT: Have you any prejudice as  
17 to the nature of the charge in this case?

18 PROSPECTIVE JUROR GAMBOA: I don't  
19 think so.

20 THE COURT: Do you know any of the  
21 other prospective jurors?

22 PROSPECTIVE JUROR GAMBOA: No, sir.

23 THE COURT: Have you any racial  
24 prejudice?

25 PROSPECTIVE JUROR GAMBOA: No.

1 THE COURT: Do you understand that an  
2 Information is a mere accusation and not evidence, that  
3 the Defendant is presumed to be innocent until proven  
4 guilty, and that the State has the burden of proving the  
5 defendant's guilt beyond a reasonable doubt?

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8 offense similar to the one that's alleged in this case, or  
9 if you were prosecuting this case, would you want 12  
10 individuals such as yourself to be on your jury?

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14 impartial in hearing this case?

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16 THE COURT: Mr. Gamboa, these  
17 proceedings may be conducted in two segments. First, the  
18 jury will determine if the defendant is guilty.  
19 Punishment would not be considered at that time.

20 Second, if the jury finds the defendant  
21 guilty of first degree murder, then the law of this state  
22 requires that the jury set the punishment. I would set a  
23 date for a hearing on the subject of punishment; do you  
24 understand?

25 PROSPECTIVE JUROR GAMBOA: Yes.



1 THE COURT: In the State of Nevada  
2 under these circumstances, there are two possible forms of  
3 punishment that the jury may consider; life imprisonment  
4 without the possibility of parole, or life imprisonment or  
5 a term of 50 years with the possibility of parole.

6 Do you understand that?

7 PROSPECTIVE JUROR GAMBOA: Yes.

8 THE COURT: In your present state of  
9 mind, could you consider fairly both possible forms of  
10 punishment and select the one that you feel is most  
11 appropriate?

12 PROSPECTIVE JUROR GAMBOA: As of right  
13 now, yes.

14 THE COURT: Any questions from the  
15 State?

16 MR. PETERSON: Thank you, Judge.

17 Mr. Gamboa, you probably knew I was going to  
18 ask about this. You said 20 years ago you did time on  
19 minor stuff. Do you recall what those charges were?

20 PROSPECTIVE JUROR GAMBOA: Just more  
21 like assault in a fight like that. Then there was another  
22 time on that some warrant, just minor.

23 MR. PETERSON: Were any of them  
24 domestic issues?

25 PROSPECTIVE JUROR GAMBOA: No.

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALFRED P. CENTOFANTI III,

Appellant,

vs.

E.K. McDANIEL, WARDEN,  
ELY STATE PRISON

Respondent.

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**APPELLANT'S APPENDIX, VOLUME VI**

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6	Mosley, March 30, 2004 (March 31, 2004)	4	1-38
7	Reporter's Transcript of Proceedings, Motions Hearing, December 21, 2001		
8	(December 24, 2001)	1	139-249
9	Reporter's Transcript of State's Motion to Compel Audio Taped Interview /		
10	Defendant's Motion for a New Trial, August 26, 2004 (August 30, 2004)	8	185-225
11	Reporter's Transcript of Verdict, April 16, 2004 (April 19, 2004)	6	4-12
12	Respondent's Answering Brief (December 29, 2005)	9	70-105
13	State's Motion to Strike Defendant's Experts (July 28, 2010)	12	111-118
14	State's Opposition to Defendant's Motion for New Trial (August 10, 2004)	8	110-135
15	State's Opposition to Defendant's Motion to Disqualify the Clark County		
16	District Attorney's Office (July 15, 2008)	11	206-209
17	State's Opposition to Defendant's Petition for Writ of Habeas Corpus (Post-		
18	Conviction) (April 8, 2008)	11	144-197
19	State's Response to Defendant's Memorandum of Law Regarding Issues of		
20	Attorney Client Privilege (January 8, 2004)	2	33-37
21	State's Response to Defendant's Motion for Reconsideration, Withdrawal,		
22	and Appointment of Alternative Counsel, and Stay of Proceedings (May 25,		
23	2011)	14	27-34
24	Stipulation and Order to Continue Sentencing Date (May 25, 2004)	6	15-16
25	Substitution of Attorney (May 25, 2004)	6	13-14
26			
27			
28			



1	Transcript of Proceedings State's Motion to Strike Defendant's Expert/		
2	Evidentiary Hearing/ Petition for Writ of Habeas Corpus, July 30, 2010		
	(August 30, 2010)	13	1-168
3	Transcript of Proceedings Evidentiary Hearing and Petition for Writ of		
4	Habeas Corpus, September 24, 2010 (October 19, 2010)	13	169-206
5	Verdict (April 16, 2004)	6	3
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1 INST

Filed 4/16/04

2  
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4  
5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA  
7

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 ALFRED PAUL CENTOFANTI, III,

12 Defendant.

CASE NO: C172534

DEPT NO: XIV

13 INSTRUCTIONS TO THE JURY (INSTRUCTION NO. I)

14 MEMBERS OF THE JURY:

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

18 You must not be concerned with the wisdom of any rule of law stated in these  
19 instructions. Regardless of any opinion you may have as to what the law ought to be, it  
20 would be a violation of your oath to base a verdict upon any other view of the law than that  
21 given in the instructions of the Court.  
22  
23  
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28

INSTRUCTION NO. 27

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

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

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

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

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

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

1 VER

FILED IN OPEN COURT

APR 16 2004 4:30pm

SHIRLEY B. PARRAGUIRRE, CLERK

BY Melissa Swinn  
MELISSA SWINN DEPUTY

DISTRICT COURT

CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

9 -vs-

10 ALFRED PAUL CENTOFANTI, III,

11 Defendant.

CASE NO: C172534

DEPT NO: Dept. Number

12  
13 VERDICT

14 We, the jury in the above entitled case, find the Defendant ALFRED PAUL  
15 CENTOFANTI, III, as follows:

16 COUNT 1 - MURDER WITH USE OF A DEADLY WEAPON

17 (please check the appropriate box, select only one)

- 18 ☒ Guilty of First Degree Murder With Use of a Deadly Weapon  
19 ☐ Guilty of First Degree Murder  
20 ☐ Guilty of Second Degree Murder With Use of a Deadly Weapon  
21 ☐ Guilty of Second Degree Murder  
22 ☐ Guilty of Voluntary Manslaughter With Use of a Deadly Weapon  
23 ☐ Guilty of Voluntary Manslaughter  
24 ☐ Not Guilty

25 DATED this 16 day of April, 2004

26 Nancy Ennis  
FOREPERSON

27 RECEIVED

28 APR 16 2004

CLERK

COPY

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \* \*

FILED IN OPEN COURT

APR 19 2004

SHIRLEY D. PARRAGUIRRE, CLERK

BY MELISSA SWINN  
DEPUTY

STATE OF NEVADA,

Plaintiff,

vs.

ALFRED P. CENTOFANTI III,

Defendant.

Case No. C172534  
Dept. XIV

REPORTER'S TRANSCRIPT  
OF  
VERDICT

BEFORE THE HONORABLE DONALD M. MOSLEY

DISTRICT JUDGE

Taken on Friday, April 16, 2004

At 4:30 p.m.

APPEARANCES:

For the State:

BECKY GOETTSCH, ESQ.  
CLARK PETERSON, ESQ.  
Deputy District Attorneys

For the Defendant:

ALLEN R. BLOOM, ESQ.  
  
GLORIA M. NAVARRO, ESQ.  
Special Public Defender

Reported by: Maureen Schorn, CCR No. 496, RPR

1 LAS VEGAS, NEVADA. FRIDAY, APRIL 16, 2004, 4:30 P.M.

2 \* \* \* \*

3  
4 THE COURT: The continuation of  
5 C172534, State versus Alfred P. Centofanti III. The  
6 record will reflect the presence of the defendant; his  
7 counsel, Mr. Bloom and Ms. Navarro; Mr. Peterson and  
8 Ms. Goettsch present for the State.

9 Ms. Clerk, would you call the roll of the  
10 jury, please.

11 THE CLERK: Ricardo Smythe?

12 JUROR SMYTHE: Here.

13 The CLERK: Paul Denorio?

14 JUROR DENORIO: Here.

15 THE CLERK: Caren Barrs?

16 JUROR BARRS: Here.

17 THE CLERK: James Owens?

18 JUROR OWENS: Present.

19 THE CLERK: Christopher Kelly?

20 JUROR KELLY: Here.

21 THE CLERK: Matthew Adams?

22 JUROR ADAMS: Here.

23 THE CLERK: Joshua Wheeler?

24 JUROR WHEELER: Here.

25 THE CLERK: Alan Miller?

1 JUROR MILLER: Here.

2 THE CLERK: Nancy Gordinier?

3 JUROR GORDINIER: Here.

4 THE CLERK: Oscar Flores?

5 JUROR FLORES: Here.

6 THE CLERK: Diana Miller?

7 JUROR MILLER: Present.

8 THE CLERK: Emily Carlsen?

9 JUROR CARLSEN: Here.

10 THE CLERK: All present, Your Honor.

11 THE COURT: The foreman of the jury is

12 Ms. Gordinier?

13 FOREMAN GORDINIER: Gordinier.

14 THE COURT: Has the jury reached a  
15 verdict in this matter?

16 FOREMAN GORDINIER: Yes, they have.

17 THE COURT: Would you hand it, please,  
18 to the Bailiff.

19 Ms. Clerk, would you read aloud the verdict  
20 and inquire of the jury if it is, in fact, their verdict.

21 THE CLERK: "District Court, Clark  
22 County, Nevada, the State of Nevada, Plaintiff, versus  
23 Alfred Paul Centofanti III, the defendant, Case  
24 No. C172534.

25 "Verdict: We the jury in the above-entitled

1 case find the defendant, Alfred Paul Centofanti III as  
2 follows:

3 "Count I, murder with use of a deadly  
4 weapon, guilty of first degree murder with use of a deadly  
5 weapon, dated the 16th day of April 2004, signed Nancy  
6 Gordinier, Foreperson."

7 Ladies and gentlemen of the jury, is this  
8 your verdict as read, so say you one, so say your all?

9 JURY PANEL: Yes.

10 THE COURT: Does counsel care to have  
11 the jury polled?

12 MR. PETERSON: No, sir.

13 MR. BLOOM: Yes, Your Honor.

14 THE CLERK: Ricardo Smythe, is that  
15 your verdict as read?

16 JUROR SMYTHE: Yes.

17 THE CLERK: Paul Denorio, is that your  
18 verdict as read?

19 JUROR DENORIO: Yes, it is.

20 THE CLERK: Caren Barrs, is that your  
21 verdict as read?

22 JUROR BARRS: Yes.

23 THE CLERK: James Owens, is that your  
24 verdict as read?

25 JUROR OWENS: Yes



1 THE CLERK: Christopher Kelly, is that  
2 your verdict as read?

3 JUROR KELLY: Yes.

4 THE CLERK: Matthew Adams, is that your  
5 verdict as read?

6 JUROR ADAMS: Yes.

7 THE CLERK: Joshua Wheeler, is that  
8 your verdict as read?

9 JUROR WHEELER: Yes.

10 THE CLERK: Alan Miller, is that your  
11 verdict as read?

12 JUROR MILLER: Yes, it is.

13 THE CLERK: Nancy Gordinier, is that  
14 your verdict as read?

15 FOREPERSON GORDINIER: Yes.

16 THE CLERK: Oscar Flores, is that your  
17 verdict as read?

18 JUROR FLORES: Yes.

19 THE CLERK: Diana Miller, is that your  
20 verdict as read?

21 JUROR MILLER: Yes

22 THE CLERK: Emily Carlsen, is that your  
23 verdict as read?

24 JUROR CARLSEN: Yes.

25 THE COURT: Very good. The verdict

1 will be recorded in the minutes of the Court.

2 Would counsel approach the bench, please.

3 (Whereupon, counsel conferred with the Court.)

4 THE COURT: Ladies and gentlemen,  
5 typically we have a hiatus of a day or so before we begin  
6 our penalty phase. It turns out that my schedule is such  
7 that is almost absolutely necessary. So I could not start  
8 a penalty phase of these proceedings before Tuesday at  
9 1:30.

10 Is there reason why Tuesday would be a  
11 problem? And I might tell you just for your information  
12 that the penalty phase is not nearly what a trial is. We  
13 don't contemplate more than -- I don't want to give a time  
14 frame, but it's not a lengthy process like a trial.

15 Is there any reason why Tuesday would be a  
16 problem?

17 Let me read to you the admonition, because  
18 as of this juncture it would apply.

19 "It is your duty not to discuss among  
20 yourselves, or with anyone else, any subject connected  
21 with the trial; or read, watch or listen to any report of,  
22 or commentary on the trial or any person connected with  
23 the trial by any medium of information, including without  
24 limitation, newspapers, television and radio; or form or  
25 express any opinion on any subject connected with the

1 trial until the cause is finally submitted to you."

2 Now, obviously, with the advent of this  
3 particular verdict and the status of the situation now,  
4 there may be some news coverage. Please be aware of that  
5 and avoid it. We've gone too far to have a problem at  
6 this point at the end of the entire matter, but be very  
7 diligent in that effort.

8 Ladies an gentlemen, with that I wish you a  
9 fine weekend for your work, and I'll see you Tuesday at  
10 1:30. You may exit at this time.

11 (Whereupon, the jury exited the courtroom.)

12 THE COURT: For the record, the jury  
13 has exited the courtroom.

14 Counsel, be please be seated, ladies and  
15 gentlemen. As I understand it, there is a motion from the  
16 State?

17 MD. GOETTSCH: Your Honor, we would ask  
18 that the defendant be remanded at this time.

19 THE COURT: Mr. Bloom, Ms. Navarro,  
20 your response?

21 MR. BLOOM: Only that Mr. Centofanti  
22 has, of course, for the past almost three years been on a  
23 special house arrest and has not violated that in any way  
24 whatsoever, and submit the matter to the Court.

25 I would like to have an opportunity to speak

1 to him at this time if the Court does decide remand him,  
2 and give me an opportunity to speak to him regarding the  
3 questions of how to proceed on Tuesday.

4 THE COURT: Well, I think we can  
5 accommodate that. As you are aware, counsel, this  
6 defendant has been found guilty of first degree murder.

7 It is no reflection on this particular  
8 individual beyond anyone else, but I think the temptation  
9 to flee is greater at this juncture, and I think that  
10 would warrant a revocation of the bond.

11 He will be incarcerated. There will be no  
12 bail allowed from this point on. And in deference to your  
13 request, Mr. Bloom, is the jury room available,  
14 Mr. Bailiff?

15 THE BAILIFF: It still has all the  
16 evidence in it, Your Honor.

17 THE COURT: Well, I expect everyone  
18 will be leaving shortly and the guards will remain. You  
19 can discuss it with your client here. You'll have the  
20 courtroom to yourself.

21 MR. BLOOM: Your Honor, with regards to  
22 the question of bail, I assume the Court is exonerating  
23 bail, not revoking bail?

24 THE COURT: Certainly.

25 MR. BLOOM: And in terms of Ms. Navarro

1 suggests, and I think I concur, it would be difficult to  
2 have a conference in here. It would certainly facilitate  
3 things, if it's possible, to wait here for a few minutes.

4 I don't know how long it will take to clear  
5 the jury room of the evidence and use that, if possible.

6 THE COURT: All right. We'll, of  
7 course, you will stay with the defendant to whatever  
8 extent is necessary, Mr. Bailiff, and your assistance. We  
9 will reconvene at 1:30 Tuesday, and let me know if you're  
10 finished with the conference. Court's adjourned.

11

12

13

14 ATTEST: Full, true and accurate transcript of  
15 proceedings.

16

17

18

  
MAUREEN SCHORN, CCR NO. 496, RPR

19

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24

25

1 SUBT  
2 CARMINE J. COLUCCI, ESQ.  
3 CARMINE J. COLUCCI, CHTD.  
4 Nevada Bar #000881  
5 629 South Sixth Street  
6 Las Vegas, Nevada 89101  
7 (702) 384-1274

FILED

MAY 25 3 41 PM '04

*Shirley S. Ruggione*  
CLERK

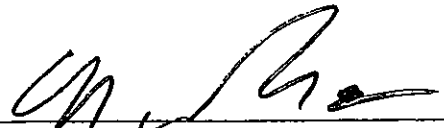
DISTRICT COURT  
CLARK COUNTY, NEVADA

10 STATE OF NEVADA, ) CASE NO: C172534  
11 Plaintiff, ) DEPT NO. XIV  
12 vs. )  
13 ALFRED CENTOFANTI, )  
14 Defendant. )  
15

SUBSTITUTION OF ATTORNEY

17 I, the undersigned, ALFRED CENTOFANTI, hereby consent to substitute CARMINE  
18 J. COLUCCI, ESQ., of the law firm of CARMINE J. COLUCCI, CHTD., as my attorney of  
19 record in the place of ALAN BLOOM, ESQ., and GLORIA M. NAVARRO, ESQ., in the  
20 above-entitled matter.

21  
22 DATED this 22<sup>nd</sup> day of May, 2004.

23  
24   
25 ALFRED CENTOFANTI  
26 Defendant

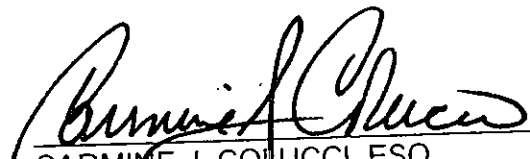
27 I, CARMINE J. COLUCCI, ESQ., of the law firm of CARMINE J. COLUCCI, CHTD.,  
28 do hereby consent to being substituted in as attorney of record in place of ALAN BLOOM,

28 /////

1 ESQ., and GLORIA M. NAVARRO, ESQ., in the above-entitled matter.


2 DATED this 19th day of May, 2004.

3 CARMINE J. COLUCCI, CHTD.

4  
5   
6 CARMINE J. COLUCCI, ESQ.  
7 Nevada Bar No. 000881  
8 629 South Sixth Street  
9 Las Vegas, Nevada 89101

10 I, <sup>Allen</sup> ~~ALAN~~ BLOOM, ESQ., do hereby consent that CARMINE J. COLUCCI, ESQ., may  
11 be substituted in my place in the above-entitled matter.


12 DATED this 24 of May, 2004.

13 <sup>Allen</sup>   
14 ~~ALAN~~ BLOOM, ESQ.  
15 1202 Kettner Blvd., Suite 4300  
16 San Diego, CA 92101

17 I, GLORIA M. NAVARRO, ESQ., do hereby consent that CARMINE J. COLUCCI,  
18 ESQ., may be substituted in my place in the above-entitled matter.

19 DATED this \_\_\_ of May, 2004.

20 CLARK COUNTY SPECIAL PUBLIC DEFENDER

21   
22 GLORIA M. NAVARRO, ESQ.  
23 Nevada Bar No. 005434  
24 333 South Third Street, 2<sup>nd</sup> Floor  
25 Las Vegas, NV 89155  
26  
27  
28

FILED

2004 MAY 25 P 4: 42

*Shirley B. Paragines*  
CLERK

1 SAO  
2 CARMINE J. COLUCCI, ESQ.  
3 CARMINE J. COLUCCI, CHTD.  
4 Nevada Bar No. 000881  
5 629 South Sixth Street  
6 Las Vegas, Nevada 89101  
7 (702) 384-1274  
8 Attorney for Defendant

DISTRICT COURT

CLARK COUNTY, NEVADA

10 STATE OF NEVADA,	)	CASE NO. C172534
11	)	DEPT NO. XIV
12 Plaintiff,	)	
13	)	
14 vs.	)	
15	)	
16 ALFRED CENTOFANTI,	)	
17	)	
18 Defendant.	)	

**STIPULATION AND ORDER TO CONTINUE SENTENCING DATE**

17 IT IS HEREBY STIPULATED AND AGREED by and between the respective  
18 undersigned counsel for the parties hereto that the Sentencing hearing presently  
19 scheduled for May 28, 2004, shall be continued and rescheduled in thirty (30) days or a

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1 time thereafter which is convenient for the court in order to afford defendant's attorney  
2 additional time to obtain defendant's file from his previous attorneys to review the same.

3 DATED: May 25, 2004.

DATED: May 25th, 2004.

4 DAVID ROGER  
5 DISTRICT ATTORNEY

CARMINE J. COLUCCI, CHTD.

6 BY

Clark Peterson  
7 CLARK PETERSON, ESQ.  
8 Deputy District Attorney  
9 Nevada Bar No. 006088  
200 South Third Street  
Attorney for Defendant

Carmine J. Colucci  
CARMINE J. COLUCCI, ESQ.  
Nevada Bar No. 000881  
629 South Sixth Street  
Las Vegas, NV 89101  
Attorney for Plaintiff

10 ORDER

11 IT HEREBY ORDERED that the Sentencing hearing set for May 28, 2004, shall be  
12 reset to a time convenient for the court in approximately thirty (30) days from May 28,  
13 2004.

14 DATED this 26 day of May, 2004.

15  
16  
17 DONALD W. MOSLEY  
18 DISTRICT JUDGE

19 CARMINE J. COLUCCI, CHTD.

20 Carmine J. Colucci  
21 CARMINE J. COLUCCI, ESQ.  
22 Nevada Bar No. 000881  
23 629 South Sixth Street  
24 Las Vegas, Nevada 89101  
Attorney for Defendant

DISTRICT COURT

FILED

COPY

CLARK COUNTY, NEVADA

JUN 18 10 28 AM '04

\* \* \* \*

*Shirley E. Ramirez*  
CLERK

STATE OF NEVADA,

Plaintiff,

vs.

ALFRED P. CENTOFANTI III,

Defendant.

Case No. C172534  
Dept. XIV

REPORTER'S TRANSCRIPT  
OF  
JURY TRIAL

BEFORE THE HONORABLE DONALD M. MOSLEY

DISTRICT JUDGE

Taken on Monday, March 15, 2004

At 1:30 p.m.

APPEARANCES:

For the State:

BECKY GOETTSCH, ESQ.  
CLARK PETERSON, ESQ.  
Deputy District Attorneys

For the Defendant:

ALLEN BLOOM, ESQ.  
  
GLORIA M. NAVARRO, ESQ.  
Special Public Defender

Reported by: Maureen Schorn, CCR No. 496, RPR

017

1 LAS VEGAS, NEVADA. MONDAY, MARCH 15, 2004, 1:30 P.M.

2 \* \* \* \*

3  
4 THE COURT: Calling C172534, State of  
5 Nevada versus Alfred P. Centofanti III. The record will  
6 reflect the presence of the defendant; his attorneys,  
7 Mr. Bloom and Ms. Navarro. The attorneys for the State  
8 are Mr. Peterson and Ms. Goettsch.

9 Miss, Clerk, would you call the names of the  
10 prospective jurors, please.

11 THE CLERK: Paul Denorio?

12 PROSPECTIVE JUROR DENORIO: Here.

13 THE CLERK: Harold Moore?

14 PROSPECTIVE JUROR MOORE: Here.

15 THE CLERK: Caren Barrs?

16 PROSPECTIVE JUROR BARRS: Here.

17 THE CLERK: Michael Wilhelm?

18 PROSPECTIVE JUROR WILHELM: Here.

19 THE CLERK: Oscar Flores?

20 PROSPECTIVE JUROR FLORES: Here.

21 THE CLERK: Yvonne Alley?

22 PROSPECTIVE JUROR ALLEY: Here.

23 THE CLERK: Kelly Krikpatrick?

24 PROSPECTIVE JUROR KIRKPATRICK: Here.

25 THE CLERK: Hector Salas?

1 PROSPECTIVE JUROR SALAS: Here.  
2 THE CLERK: Joyce Ottey-Hall?  
3 PROSPECTIVE JUROR HALL: Here.  
4 THE CLERK: Monica Figura?  
5 PROSPECTIVE JUROR FIGURA: Here.  
6 THE CLERK: Dennis Miller?  
7 PROSPECTIVE JUROR MILLER: Here.  
8 THE CLERK: Marsha Peterson?  
9 PROSPECTIVE JUROR PETERSON: Here.  
10 THE CLERK: Diana Miller?  
11 PROSPECTIVE JUROR MILLER: Here.  
12 THE CLERK: Lloyd Deen?  
13 PROSPECTIVE JUROR DEEN: Here.  
14 PROSPECTIVE JUROR: Danny Reid?  
15 (No response.)  
16 THE CLERK: Cullen Finley?  
17 PROSPECTIVE JUROR FINLEY: Here.  
18 THE CLERK: Ricardo Smythe?  
19 PROSPECTIVE JUROR SMYTHE: Here.  
20 THE CLERK: Gary Burbach?  
21 PROSPECTIVE JUROR BURBACH: Here.  
22 THE CLERK: Robert Gamboa?  
23 PROSPECTIVE JUROR GAMBOA: Here.  
24 THE CLERK: Joshua Wheeler?  
25 PROSPECTIVE JUROR WHEELER: Here.

1 THE CLERK: Stephen Burleson?  
2 PROSPECTIVE JUROR BURLESON: Here.  
3 THE CLERK: Richard Fabroski?  
4 PROSPECTIVE JUROR FABROSKI: Here.  
5 THE CLERK: Sheryl Blindeagle?  
6 PROSPECTIVE JUROR BLINDEAGLE: Here.  
7 THE CLERK: Huber Marin?  
8 PROSPECTIVE JUROR MARIN: Here.  
9 THE CLERK: Alan Miller?  
10 PROSPECTIVE JUROR MILLER: Here.  
11 THE CLERK: Constancio Medina?  
12 (No response.)  
13 THE CLERK: Daniel Fabela?  
14 PROSPECTIVE JUROR FABELA: Here.  
15 THE CLERK: Nancy Gordinier?  
16 PROSPECTIVE JUROR GORDINIER: Here.  
17 THE CLERK: Karen Milovich?  
18 PROSPECTIVE JUROR MILOVICH: Here.  
19 THE CLERK: James Cordova?  
20 PROSPECTIVE JUROR CORDOVA: Here.  
21 THE CLERK: Patricia Grant?  
22 PROSPECTIVE JUROR GRANT: Here.  
23 THE CLERK: Juan Sanchez?  
24 PROSPECTIVE JUROR SANCHEZ: Here.  
25 THE CLERK: Diane Winton?

1 PROSPECTIVE JUROR WINTON: Here.  
2 THE CLERK: James Owen?  
3 PROSPECTIVE JUROR OWEN: Here.  
4 THE CLERK: Linda Shaffer?  
5 PROSPECTIVE JUROR SHAFFER: Here.  
6 THE CLERK: Charles Buhrmaster?  
7 PROSPECTIVE JUROR BUHRMASTER: Here.  
8 THE CLERK: Roxette Denne?  
9 PROSPECTIVE JUROR DENNE: Here.  
10 THE CLERK: Christopher Kelly?  
11 PROSPECTIVE JUROR KELLY: Here.  
12 THE CLERK: Linda Robbins?  
13 PROSPECTIVE JUROR ROBBINS: Here.  
14 THE CLERK: Mary Tenerelli?  
15 PROSPECTIVE JUROR TENERELLI: Here.  
16 THE CLERK: Aaron Phillipenas?  
17 PROSPECTIVE JUROR PHILLIPENAS: Here.  
18 THE CLERK: David Drach-Meinel?  
19 PROSPECTIVE JUROR MEINEL: Here.  
20 THE CLERK: Heather Brissette?  
21 PROSPECTIVE JUROR BRISSETTE: Here.  
22 THE CLERK: Richard Byrne?  
23 (No response.)  
24 THE CLERK: Tiffany Linger?  
25 PROSPECTIVE JUROR LINGER: Here.

021

1 THE CLERK: Apolonia Ochoa?  
2 PROSPECTIVE JUROR OCHOA: Here.  
3 THE CLERK: Emily Carlsen?  
4 PROSPECTIVE JUROR CARLSEN: Here.  
5 THE CLERK: Shay Morikawa?  
6 PROSPECTIVE JUROR MORIKAWA: Here.  
7 THE CLERK: Jennifer Lancaster?  
8 PROSPECTIVE JUROR LANCASTER: Here.  
9 THE CLERK: Jessica Romero?  
10 PROSPECTIVE JUROR ROMERO: Here.  
11 THE CLERK: Bernard Davis?  
12 PROSPECTIVE JUROR DAVIS: Here.  
13 THE CLERK: Joseph Mills?  
14 PROSPECTIVE JUROR MILLS: Here.  
15 THE CLERK: Robert Adams?  
16 PROSPECTIVE JUROR ADAMS: Here.  
17 THE CLERK: Greg Young?  
18 PROSPECTIVE JUROR YOUNG: Here.  
19 THE CLERK: Betty Kincaid?  
20 PROSPECTIVE JUROR KINCAID: Here.  
21 THE CLERK: Matthew Adams?  
22 PROSPECTIVE JUROR ADAMS: Here.  
23 THE CLERK: David Allington?  
24 PROSPECTIVE JUROR ALLINGTON: Here.  
25 THE CLERK: Karen Kemtes?

022

1 PROSPECTIVE JUROR KEMTES: Here.

2 THE CLERK: Ruth Amezcua?

3 PROSPECTIVE JUROR AMEZCUA: Here.

4 THE CLERK: Christina Olsen?

5 PROSPECTIVE JUROR OLSEN: Here

6 THE CLERK: Three not present, Judge.

7 THE COURT: One gentleman was sent to  
8 the hospital. Do you know the name?

9 THE CLERK: I do not.

10 THE COURT: Warrants will issue for the  
11 rest of the individuals, and suspend the warrant on the  
12 ill individual.

13 Will the State's attorneys introduce  
14 themselves and indicate the list of witnesses you intend  
15 calling, and the nature of the charges.

16 MS. GOETTSCH: I will, thank you,  
17 Judge. Good afternoon, ladies and gentlemen. My name is  
18 Becky Goettsch, and this is Clark Peterson. We are both  
19 Deputy District Attorneys and we are assigned to prosecute  
20 the case of the State of Nevada versus Alfred Centofanti.

21 This is a case involving one count of murder  
22 with use of a deadly weapon. The defendant is charged  
23 with shooting his wife, Virginia Centofanti, on December  
24 20th of 2000, seven times at their home at 8720 Wintry  
25 Garden Avenue, a northwest neighborhood here in Las Vegas.

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1                   The State intends to call any of the  
2 following witnesses. It is a lengthy list, so bear with  
3 me.

4                   Officers or police officers with Las Vegas  
5 Metropolitan Police Department: Thomas Thowsen, Wayne  
6 Peterson, Kenneth Hefner, Robert Hillard, David Winslow,  
7 Thomas Johnson, Monty Spoor, Daniel Peterson, Randall  
8 McLaughlin, Sharon Swick, James LaRochelle, Roberto  
9 Rodriguez, Thomas Wahl, Mark Lourenco, Edward Guenther.  
10 James Krylo, Terry Martin, Robbie Dahn, Tiffany Gogian,  
11 Dan Fieselman, Craig McGregor, Mark Usiak, Kimberly Govea,  
12 Joey Delugo, Kyle Lopez.

13                  The following are other witnesses that we  
14 may call: Mark Wright, Marilee Wright, Alfred Centofanti,  
15 Jr., Camille Centofanti, Trisha Miller. Dr. Larry Sims  
16 from the Clark County Medical Examiner's Office. Mark  
17 Smith, Lisa Eisenman, Emeline Eisenman, Carolyn Pease, Tom  
18 Thompson, Amanda Pearson, Greg Simmons, Stephanie Smith.  
19 Eva Cisneros, Steve Cuilla, Bridget Masis, Jeena Mutch,  
20 Sarah Smith, David Neilson, Herbert Hayes, Tony Ochoa,  
21 Matt Tomlinson, Lisa Barrios, Sarah Carmen, Connie Thomas,  
22 Bonnie Koerner, Tony Sherman, Jacki Menzel, Francisco  
23 Mendez, Shirley Rutger, Michael Stevenson, Jennifer  
24 Mullen, Judy Estrada, Dr. John Hiatt, Casey Gish, Paul  
25 Carbohol, Chris Cattran, Joan Lombardo and Rick Ingram.

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1 Thank you.

2 THE COURT: Thank you, Ms. Goettsch.

3 Would Defense counsel introduce themselves,  
4 please, and their client.

5 MR. BLOOM: Good afternoon, ladies and  
6 gentlemen. My name is Allen Bloom, along with Gloria  
7 Navarro representing Alfred Centofanti.

8 This will be a case of a claim of  
9 self-defense in this case, and we would expect to call the  
10 following potential witnesses:

11 Dan Albregts, Rosa Alcocer, Officer R.  
12 Anderson, Officer J. Barrett, James Barker, Jessica  
13 Barragan, Officer K. Blascko, Rachel Bosenburg, Lori  
14 Brown, Jerry Buggart, Hector, Calixto, Officer C.  
15 Callaway; Alfred Centofanti, Jr.

16 This is Alfred III, so Alfred, Jr., Camille  
17 Centofanti, Peter Christiansen, Paula Clark, Eva Cisneros,  
18 Steve Ciulla; Officer Robbie Dahn, Placido Delaney Joey  
19 Delugo, D. Desmaries, Lisad Demayo, Ricardo Dominguez,  
20 Michael Edmiston, Dr. John Eisele, Lisa Eisenman Emeline  
21 Eisenman, Dr. Eugene Eisenman, Pancho Eisenman, Robert  
22 Eisenman, Dr. Richard Escajeda, Judy Estrada, Sergeant  
23 Gary Floyd, Lieutenant Steve Franks, Dr. Scott Fraser,  
24 John Gallo, Officer Tiffany Gogian, Officer Kimberly  
25 Govea, Edward Guenther, Officer Kenneth Hefner, Officer

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1 Robert Hilliard, Michelle Hodson, Dr. John Holtzen,  
2 Melisse Huffmaster, Robert Irwin, Troy Isaacson,  
3 Dr. Stewart James; Dr. Brendan Johnson, Thomas Johnson, Ed  
4 Kainen, Lito Karaniwan, Officer J. Konczal, Bonnie Koerner  
5 Louise Krueger, James Krylo, James Larochelle, James  
6 Lazar, Lance Paul Levin, Dr. Glenn Lipson, Officer Kyle  
7 Lopez, Officer Mark Lourenco, Raymond Lopez, Officer T.  
8 Martin, Officer C. McGregor, Bridget Masis, Adrienne  
9 Medina, John Mendoza, Jackie Menzel, Angela Moore, Lori  
10 Morgan, Patrick Murphy, Shirley Muscara, David Neilsen,  
11 Veronica Nuno, Tony Ochoa, Carolyn Pease, Officer Dan  
12 Peterson, Cathy Prock, Paula Rodger, Officer Roberto  
13 Rodriguez, John Schlicting, Sheriff Brian Sheets, Dennis  
14 Sesma, Dr. Scott Sessions, Tony Sheridan, Lori Siderman,  
15 Greg Simmons; Officer Monty Spoor, Robert Talley, Connie  
16 Thomas, Jim Thomas, Tom Thompson, Jack Tibbets; Jimmy  
17 Trahin; Officer M. Usiak, Officer Thomas Wahl, Mark Wright  
18 and Marilee Wright. Thank you.

19 THE COURT: Thank you, Mr. Bloom.

20 I should indicate to you, ladies and  
21 gentlemen, that concerning the list of witnesses that have  
22 been read to you, the law requires that witnesses be  
23 listed, even remote witnesses.

24 That, certainly, is not contemplated that  
25 all those people will be called during this proceeding,

1 but they have to be listed.

2 Good afternoon. I'm Judge Donald Mosley.  
3 You have been summoned to Department of XIV of the Eighth  
4 Judicial District Court to hear the matter of the State  
5 versus Alfred P. Centofanti III.

6 Did you have occasion to observe a film that  
7 is typically shown? I will not repeat what is stated in  
8 that film.

9 Ms. Clerk, could I ask you to swear the  
10 prospective jurors, please.

11 (Whereupon, the prospective jurors  
12 were sworn by the Clerk.)

13 THE COURT: Ladies and gentlemen, I'm  
14 going to inquire of you as a group and initially we'll  
15 begin somewhat informally. Let me explain what I mean by  
16 that.

17 As I ask a question, if clarification is  
18 needed or you think something related should be made  
19 mention of, feel free. If you will raise your hand, and  
20 when called upon if you would rise and indicate the number  
21 on the badge they've given you, and your name, we can have  
22 something of a discussion.

23 The thinking is that it is preferable to  
24 alleviate any misunderstanding or confusion early on,  
25 rather than have it dawn upon you halfway through the

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1 trial that perhaps something should have been made mention  
2 of. So I want you to feel free to raise your hand and we  
3 can have a dialogue and iron out any confusion that might  
4 exist.

5 I will begin by asking you if any of you are  
6 acquainted with the defendant in this case, Alfred P.  
7 Centofanti in the light suit?

8 Are any of you acquainted with either of the  
9 Defense attorneys, Ms. Gloria Navarro or Mr. Allen Bloom?

10 Are any of you acquainted with either of the  
11 Deputy District Attorneys, Mr. Clark Peterson or Ms. Becky  
12 Goettsch?

13 Mr. Peterson, did you go into the allegation  
14 of where? And I think you mentioned when, but not where.

15 MR. PETERSON: 8720 Wintry Garden.  
16 It's in the northwest area of town.

17 THE COURT: Understanding, ladies and  
18 gentlemen, that you have very scant information as to  
19 what's alleged here, my question to you would be, do you  
20 think you may have read or heard about this case before  
21 coming to court today?

22 Rise, sir, and give me your name and number.

23 PROSPECTIVE JUROR YOUNG: Greg Young,  
24 358.

25 THE COURT: Mr. Young?

1 PROSPECTIVE JUROR YOUNG: I'm a  
2 corrections officer for Metro.

3 THE COURT: Do you recall how you heard  
4 about it? Was it through the news or the paper?

5 PROSPECTIVE JUROR YOUNG: Newspaper,  
6 and also on the news.

7 THE COURT: Do you remember having any  
8 particular thoughts about it when you heard about it?

9 PROSPECTIVE JUROR YOUNG: Just that I  
10 believe that they alleged that there were seven gunshots,  
11 so myself I thought --

12 THE COURT: Before you go into what you  
13 thought, let me ask you this: Did you form an opinion as  
14 to what must have occurred?

15 PROSPECTIVE JUROR YOUNG: Not really an  
16 opinion, but just that self-defense doesn't --

17 THE COURT: Before you go into all the  
18 particulars, what I asked you is, do you think you have  
19 formed an opinion based on what you read or heard about it  
20 that is firm in your mind?

21 PROSPECTIVE JUROR YOUNG: Yes, I did.

22 THE COURT: By virtue of what you read  
23 in the newspaper?

24 PROSPECTIVE JUROR YOUNG: Just by what  
25 I read and what I had seen on the news.

1 THE COURT: Do you feel that when you  
2 read something in the news or hear on the news it's always  
3 accurate?

4 PROSPECTIVE JUROR YOUNG: No, sir.

5 THE COURT: Is there some reason you  
6 gave particular credence to what you heard in this case?

7 PROSPECTIVE JUROR YOUNG: Not really.  
8 Just, like I said, if you want me to state my opinion.

9 THE COURT: I'm talking about why you  
10 gave particular credence in this instance.

11 PROSPECTIVE JUROR YOUNG: Just the fact  
12 that I'm around these same type of individuals.

13 THE COURT: People who are accused of  
14 crimes?

15 PROSPECTIVE JUROR YOUNG: Right.

16 THE COURT: Do you think that whatever  
17 opinion you may have is so entrenched in you at this time  
18 that you could not be an objective juror?

19 PROSPECTIVE JUROR YOUNG: I could  
20 probably be objective but, I mean, maybe not.

21 THE COURT: Let me -- have seat for a  
22 moment. There's no sense in you standing, and I want to  
23 make a couple points to all prospective jurors by virtue  
24 of what you brought up, sir.

25 Number one, ladies and gentlemen, please

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1 understand that there are no right or wrong answers to the  
2 questions I ask. Sometimes jurors feel there's a  
3 particular way to answer, and if you don't, somehow you're  
4 not following the procedure. That's not true.

5 I want you to be very candid in your  
6 responses, because the attorneys and I have to learn as  
7 much about you in a very short period of time as we can so  
8 an intelligent decision can you made as to whether or not  
9 you should serve as a juror in this particular case.  
10 Please feel free to answer in whatever way you feel is  
11 appropriate, and candidly.

12 Secondly, I will ask you on occasion if you  
13 can be a fair juror. After all, that's why we're here, is  
14 to choose 12 jurors and two alternates who can be fair.

15 What I suggest to our prospective jurors  
16 oftentimes is, whatever issue we're discussing, in this  
17 instance with Mr. Young and his involvement with his  
18 profession and what he read in the paper, whatever source  
19 the information came from, notwithstanding that can he be  
20 objective in his evaluation of this case.

21 And what I suggest as a way to ferret  
22 through this is, walk through the process mentally, if you  
23 will. As a juror you will be seated in one of these  
24 seats. We will begin at 1:30 every afternoon. I have a  
25 morning calendar that has nothing to do with this trial,

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1 so you come in 1:30 to 5:00, essentially.

2 You would listen to testimony, perhaps see  
3 items brought into evidence, might even examine certain  
4 items as the days go forth. You would hear the opening  
5 arguments of counsel, hear the evidence and then closing  
6 arguments.

7 You would be seated in a room on the other  
8 side of this wall, actually, and you would be asked to  
9 confer with your fellow jurors to determine if you can  
10 reach a verdict.

11 Can you do this, notwithstanding whatever  
12 issue we're talking about? In the case of Mr. Young, his  
13 employment, his view of the case by virtue of what he  
14 heard.

15 Then the question I ask you, can you do that  
16 fairly? Can you be objective in that process? And only  
17 you have the answer. The attorneys and I cannot tell you  
18 whether you can be a fair juror. So you see, it's really  
19 up to you in a large sense. So those are my suggestions.

20 And, Mr. Young, given all that in fairness,  
21 do you think you can be an objective juror, or perhaps  
22 not?

23 PROSPECTIVE JUROR YOUNG: Sir, just  
24 with what I've heard and what I've -- just the nature of  
25 the people that I deal with, I would probably say no.

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1 THE COURT: Would counsel object to  
2 excusing Mr. Young for cause and have him seated on a  
3 civil jury?

4 MS. GOETTSCH: None from the State,  
5 Your Honor.

6 MR. BLOOM: No, Your Honor. Thank you.

7 THE COURT: Mr. Young, if you would  
8 report to the Jury Commissioner and indicate we would like  
9 you reassigned to another case.

10 PROSPECTIVE JUROR YOUNG: Thank you,  
11 Your Honor.

12 THE COURT: Your name and number?

13 PROSPECTIVE JUROR MILLER: Dennis  
14 Miller, Badge 294. I did hear about it in the news, Your  
15 Honor. And I'm a retired -- I worked for the Pennsylvania  
16 Department of Corrections for 16 years. I am retired now  
17 and I keep up with the news, and I heard it on the  
18 television.

19 I, like Mr. Young, I truly don't think I  
20 could be partial.

21 THE COURT: You mean impartial?

22 PROSPECTIVE JUROR MILLER: Impartial,  
23 I'm sorry.

24 THE COURT: Let me explain to you,  
25 Mr. Miller, and to all present. As you might well

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1 surmise, the fact that someone has read something in the  
2 paper about an event that is ultimately going to be tried,  
3 does not disqualify you as a juror.

4 The question is, can you set aside in your  
5 mind that which you heard and listen to the evidence, and  
6 predicate your decision on what you observe here in this  
7 courtroom?

8 And if you've been a corrections officer 16  
9 years you're kind of like me, you've seen a lot. And  
10 you've probably seen pros and cons when it comes to guilt  
11 and whatnot of people.

12 Do you think you can observe what transpires  
13 here in court and render a decision objectively, putting  
14 aside what you may have heard on the news?

15 PROSPECTIVE JUROR MILLER: In all  
16 fairness, Your Honor, no. I don't think I can.

17 THE COURT: Would there be an objection  
18 to assigning Mr. Miller to a civil case?

19 MS. GOETTSCH: None from the State.

20 MR. BLOOM: No, Your Honor.

21 THE COURT: Please, Mr. Miller,  
22 indicate to the Jury Commissioner I'd like to have you  
23 reassigned. Anyone else?

24 Is there anyone that believes that for  
25 whatever reason you could not be a fair juror in this

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1 particular case, and that you might be reassigned to  
2 another case?

3 Yes, sir. Your name and number, please?

4 PROSPECTIVE JUROR MOORE: Badge  
5 No. 284, Harold Moore.

6 THE COURT: Mr. Moore, yes, sir?

7 PROSPECTIVE JUROR MOORE: I believe I  
8 would give the guy the benefit of the doubt. I don't  
9 think I could be fair if it was a conviction. I would  
10 believe in capital punishment.

11 THE COURT: In this case capital  
12 punishment is not being sought, so you wouldn't have that  
13 choice. Just to give you some idea, and we'll go into it  
14 a little bit further later, your first responsibility as a  
15 juror would be to determine the guilt or innocence of the  
16 defendant. Punishment would not be considered.

17 Then if you found guilt of first degree  
18 murder, then you would be asked to choose a punishment.  
19 But the death penalty is not being sought, so that would  
20 not be a option.

21 Do you think you could be fair otherwise  
22 with the process?

23 PROSPECTIVE JUROR MOORE: I really  
24 wouldn't want me on the jury.

25 THE COURT: Why is that?

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1 PROSPECTIVE JUROR MOORE: I don't think  
2 I could give a fair -- I couldn't do it.

3 THE COURT: You don't think you could  
4 be fair as a general principle?

5 PROSPECTIVE JUROR MOORE: Just as a  
6 general principle.

7 THE COURT: Are you an unfair person  
8 generally?

9 PROSPECTIVE JUROR MOORE: I am an old  
10 guy 65 years old, lived in Las Vegas 43 years, and I've  
11 seen a lot of crime and I've seen a lot of alleged crimes  
12 and stuff. And seven shots, I couldn't do it.

13 THE COURT: Would there be any  
14 objection to asking Mr. Moore to be reassigned to another  
15 case?

16 MS. GOETTSCH: Submit to the Court.

17 MR. BLOOM: No objection.

18 THE COURT: Mr. Moore, go downstairs  
19 and tell the Jury Commissioner I'd like to have you  
20 reassigned.

21 Anyone else? The question was -- and I'll  
22 repeat it. Is there anyone that feels that for whatever  
23 reason you could not serve as a fair juror in this  
24 particular case?

25 And there were two points I'd like to make

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1 in conjunction with that. One is, as in cases of this  
2 nature, oftentimes there will be rather graphic  
3 photographs, autopsy photographs, that kind of thing. You  
4 would have to observe these if you were to sit as a juror.

5 I would ask you at this juncture, do you  
6 think that would be upsetting to any of you to the extent  
7 that you could not maintain a mental track or  
8 concentration?

9 Does anyone feel that would be a major  
10 problem? Your name and number?

11 PROSPECTIVE JUROR OLSEN: 368,  
12 Christina Olsen. I don't think I would be able to view  
13 such things with a sound mind. I think I would probably  
14 break down. I'm a very emotional person.

15 THE COURT: Well, the question is, do  
16 you think you can look at these photographs along with  
17 your fellow jurors and maintain your composure to the  
18 extent that you could serve as a juror?

19 PROSPECTIVE JUROR OLSEN: I don't think  
20 I could maintain composure.

21 THE COURT: What would that entail?

22 PROSPECTIVE JUROR OLSEN: The pictures  
23 would upset me very much, and I don't think I would be  
24 able to handle myself on the panel.

25 THE COURT: Do you think it would

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1    disrupt your ability to serve as a juror?

2                    PROSPECTIVE JUROR OLSEN:    Yes, I do.

3                    THE COURT:    Would there be any  
4    objection to excusing Ms. Olsen to a civil trial?

5                    MR. PETERSON:    I think there is, Judge.

6                    May I ask a follow-up question?

7                    THE COURT:    Go ahead.

8                    MR. PETERSON:    Ms. Olsen, we're not  
9    trying to pick jurors that have no emotional reaction to  
10   an event that they perceive.    We're all here because  
11   something bad happened, so we don't want to pick robots  
12   who have no emotions.

13                   We don't expect you to not react emotionally  
14   to what you see; do you understand?

15                   PROSPECTIVE JUROR OLSEN:    Yes.

16                   MR. PETERSON:    After having an  
17   emotional reaction one way or the other, favor the State  
18   or favor Mr. Centofanti, you're going to have a job to do  
19   if picked as a juror.    That's deliberate with the other  
20   jurors.    Can you do that?

21                   PROSPECTIVE JUROR OLSEN:    I honestly  
22   don't know.    Just the thought of looking at pictures of  
23   that nature really upsets me.

24                   MR. PETERSON:    Court's indulgence.

25                   Judge I'll submit it to the Court.    I don't

1 believe it's cause, for the record.

2 THE COURT: Mr. Bloom, do you have an  
3 opinion about excusing this young lady, or would you care  
4 to inquire of her?

5 MR. BLOOM: I will inquire if the Court  
6 feels it's necessary.

7 THE COURT: I'm asking you if you feel  
8 you would like to inquire. If not, do you have an opinion  
9 one way or the other?

10 MR. BLOOM: I think in this situation  
11 with Ms. Olsen has been frank and should be excused, Your  
12 Honor. If the Court wants me to make --

13 THE COURT: I'm not asking you to do  
14 anything, just if you do wish to do anything, you may.

15 Ms. Olsen, the bottom of line is, ma'am, are  
16 you saying your emotional make-up is such that you would  
17 be disturbed to the point you could not maintain your  
18 thought process in evaluating this case?

19 PROSPECTIVE JUROR OLSEN: I do believe  
20 I would be upset to that point.

21 THE COURT: All right. You will be  
22 reassigned to a civil case, ma'am. Please go downstairs  
23 and inform them.

24 Anyone else? Yes?

25 PROSPECTIVE JUROR KEMTES: Karen

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1 Kemtes, 366.

2 THE COURT: Yes, ma'am?

3 PROSPECTIVE JUROR KEMTES: It's more of  
4 a comment. Part of my work is teaching about  
5 decision-making in humans, decision in research and the  
6 idea that jurors aren't objective, whether it's emotional  
7 content, whether it's personal biases, they bring it with  
8 the job that they hold.

9 My concern is that in general knowing about  
10 jurors and how they make decisions, I don't know how I or  
11 any of my peers could serve in that capacity effectively.  
12 I think we will try to be objective. I don't think we can  
13 carry that out as much as we would like to be objective.

14 THE COURT: Given that, do you think  
15 you can serve as well as anyone else as a juror?

16 PROSPECTIVE JUROR KEMTES: I think I  
17 can serve as well as anyone else to what extent.

18 THE COURT: We'll rely on that for the  
19 moment. Thank you. Anyone else?

20 The other thing I wanted you to know, ladies  
21 and gentlemen, this was brought to my attention as a  
22 possible concern, and although I didn't see it, I'm going  
23 to mention it.

24 Mr. Centofanti is a licensed attorney.

25 Would that fact create any kind of prejudice in your mind

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1 to the extent that you would not offer the State a fair  
2 trial? Anyone?

3 The defendant himself is an attorney. Does  
4 anyone have a problem with that?

5 I would indicate to you, ladies and  
6 gentlemen, that this case is contemplated to last three  
7 weeks, actually three afternoons, with the exception of  
8 Thursday and Friday where I'm called out of the  
9 jurisdiction on court business. We begin promptly at 1:30  
10 and end at 5:00, absent extraordinary circumstances.

11 There are some bases for excusal from jury  
12 duty. They are set out by statute and they are very  
13 limited, very specific, and somewhat antiquated. For  
14 example, if you are a locomotive engineer here in Nevada,  
15 I think you're excluded, to give you some idea.

16 With that said, would serving the time that  
17 I have indicated to you be an undue burden any one you,  
18 and you think you might fit within one of the limited  
19 bases for excusal?

20 The lady in the front here?

21 PROSPECTIVE JUROR HALL: My name is  
22 Joyce Hall, 292.

23 THE COURT: Spell your last name.

24 PROSPECTIVE JUROR HALL: It's  
25 O-t-t-e-y-H-a-l-l.

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1 THE COURT: Thank you, ma'am.

2 What is your situation, please?

3 PROSPECTIVE JUROR HALL: First of all,  
4 I don't think I could be fair because of the situation.

5 THE COURT: What situation is that?

6 PROSPECTIVE JUROR HALL: The seven  
7 times.

8 THE COURT: Let me ask you something.

9 PROSPECTIVE JUROR HALL: I know I  
10 should have said something earlier.

11 THE COURT: That's all right. It's  
12 timely. You have lived in Las Vegas how long?

13 PROSPECTIVE JUROR HALL: Forty-one  
14 years.

15 THE COURT: You're at least 41 years  
16 old, and you have seen or heard of people accused of a  
17 crime in the past?

18 PROSPECTIVE JUROR HALL: Right.

19 THE COURT: Do you think that every  
20 person that is accused of a crime is guilty?

21 PROSPECTIVE JUROR HALL: No.

22 THE COURT: Do you think a person is  
23 deserving of a fair trial that's accused of a crime?

24 PROSPECTIVE JUROR HALL: Yes, I do.

25 THE COURT: Do you think it's proper to

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1 seize upon what little one knows about a case, rather than  
2 a decision without hearing all the facts?

3 PROSPECTIVE JUROR HALL: No. But I  
4 just can't see --

5 THE COURT: Before you go into the  
6 particulars, I want to talk generalities right now.  
7 Because, really, we're talking about your mind-set, if you  
8 think you can bring yourself to be a fair juror, and if  
9 you can't, you can't.

10 But you have heard very little information  
11 about what's alleged here. Is there no additional factor  
12 that you want to consider that might balance out whatever  
13 you have in your mind at this time?

14 PROSPECTIVE JUROR HALL: For three  
15 weeks I don't think I can do it, because I am a single  
16 parent. I do have to work.

17 THE COURT: That's another issue. In  
18 all candor, ma'am, and I don't want to be unpleasant about  
19 this but, you see, I don't want to hear someone saying  
20 they can't be fair, and they're really saying I want to go  
21 home.

22 Because I'll tell you this, my view of jury  
23 service is like paying taxes next month. We're all going  
24 to pay it next month. I don't like it any more than I did  
25 two years ago, but it's part of our responsibility as

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1 citizens. And that's the way I look at jury service, in  
2 all candor.

3 If you have a legitimate problem being fair,  
4 I want to talk about it. If it's just I want to go home  
5 and go to work, that's something different.

6 PROSPECTIVE JUROR HALL: I just -- I  
7 don't think I can be fair. I mean, that's just my  
8 opinion. I don't think I can.

9 THE COURT: Would counsel care to  
10 inquire?

11 MS. GOETTSCH: Just briefly, Your  
12 Honor. Ms. Ottey-Hall, do you understand that as part of  
13 this system that the State has the burden to prove to you  
14 beyond a reasonable doubt that the defendant committed  
15 murder with a deadly weapon?

16 You will be instructed on first degree,  
17 second degree, and that we have to prove to you beyond a  
18 reasonable doubt. That's our burden.

19 So that you will be instructed on the law,  
20 you will go through weeks of testimony and you need to  
21 keep an open mind. You'll hear testimony probably on both  
22 sides, and after all that you can make a decision.

23 But do you think you can keep an open mind  
24 until the close of the evidence, whenever that may be?

25 PROSPECTIVE JUROR HALL: In all

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1 fairness to him, no.

2 MS. GOETTSCH: You've already made up  
3 your mind at this point as to guilty or not guilty?

4 PROSPECTIVE JUROR HALL: Do you really  
5 want my opinion?

6 MS. GOETTSCH: Have you a made up your  
7 mind?

8 PROSPECTIVE JUROR HALL: Yes.

9 MS. GOETTSCH: Submit it.

10 THE COURT: Mr. Bloom?

11 MR. BLOOM: If the record could reflect  
12 she shook her head, yes. And in fairness, I think she  
13 should be excused in the case.

14 THE COURT: Ms. Hall, if you would go  
15 downstairs and ask to be assigned to a civil case, I'd  
16 appreciate it.

17 Yes, ma'am?

18 PROSPECTIVE JUROR SHAFFER: Linda  
19 Shaffer, 328.

20 THE COURT: Go ahead.

21 PROSPECTIVE JUROR SHAFFER: Really, my  
22 problem or my issue is, next week I'm controller for the  
23 company and we have about a hundred people flying in. We  
24 spent \$50,000, and I'm the leader of the meeting.

25 It goes until Friday, and all 12 controllers

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1 from the region are flying in and we have this meeting  
2 once a year. And I don't know, I don't see how I can get  
3 out of that.

4 THE COURT: What sort of a company do  
5 you have?

6 PROSPECTIVE JUROR SHAFFER: I work for  
7 a national bus transportation company, and we're having a  
8 meeting starting Monday. All the general managers and  
9 controllers, maintenance and safety people.

10 THE COURT: What is your role?

11 PROSPECTIVE JUROR SHAFFER: I'm leading  
12 the meeting all day Thursday and Friday. I'm to  
13 participate every day as the region controller for all of  
14 them, but Thursday and Friday are the days that I need  
15 those meetings.

16 The controllers are flying in Wednesday  
17 night and it goes all day Thursday and Friday. That day  
18 is just general managers and controllers, and I'm the  
19 leader of the meeting for those two days.

20 THE COURT: You may have heard Thursday  
21 and Friday I have to be out of the jurisdiction?

22 PROSPECTIVE JUROR SHAFFER: Your Honor,  
23 you said three weeks. I'm good this week. It's next week  
24 that is my problem.

25 THE COURT: As you might imagine,

1 Ms. Shaffer, the law recognizes employment situations  
2 where you have a surgeon who has obviously something  
3 scheduled that would be life threatening, that kind of  
4 thing. But it doesn't contemplate what you're discussing  
5 here.

6 PROSPECTIVE JUROR SHAFFER: It's  
7 \$50,000 the company spent to fly everybody in, and if I'm  
8 not there --

9 THE COURT: Now, you would be available  
10 in the mornings. Would that be a help?

11 PROSPECTIVE JUROR SHAFFER: It's all  
12 day Thursday and Friday. The meetings start at 8:00 and  
13 go to 5:00.

14 THE COURT: And the other days, what  
15 are the schedules?

16 PROSPECTIVE JUROR SHAFFER: Monday  
17 through Friday from 8:00 to 5:00, but Thursday and Friday  
18 are just controllers, so I have to lead those two days.

19 THE COURT: Let me ask you to have a  
20 seat.

21 PROSPECTIVE JUROR KINCAID: Betty  
22 Kincaid, Badge 360. I need some clarification on those  
23 dates. For this week it's just Tuesday and Wednesday, and  
24 not Thursday and Friday for the next two weeks? You  
25 anticipated Monday through Friday 1:30 to 5:00; is that

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1 correct?

2 THE COURT: That's correct.

3 PROSPECTIVE JUROR KINCAID: Is there  
4 any anticipation of going beyond the three weeks? Because  
5 that would take us to April 2nd, if I am looking at this  
6 correctly. I have to be out of town. I'm already booked  
7 for a keynote speech in Texas on the 15th of April, so  
8 that's my first issue I want to resolve.

9 THE COURT: 15th of April? No, ma'am.  
10 No way. I would say that.

11 PROSPECTIVE JUROR KINCAID: I just  
12 wanted to be clear up front. I also have some --

13 THE COURT: I don't think we have a  
14 problem there.

15 PROSPECTIVE JUROR KINCAID: I also have  
16 some training and -- I'm the CEO of my company and, in  
17 addition, I'm a real estate licensee. I do mediations and  
18 also travel on behalf of a professional organization which  
19 I hold a national office.

20 So I have quite a few obligations that are  
21 important to have to be here Thursday and Friday, so it's  
22 a big relief because I have a big happening Thursday. I  
23 could probably work it and reschedule, but there is a  
24 hardship with regard to educational --

25 THE COURT: So with that said, you can

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1 make an accommodation and it shouldn't be a problem?

2 PROSPECTIVE JUROR KINCAID: As long as  
3 everybody knows that I can make it to work.

4 THE COURT: Thank you, ma'am.  
5 The blonde lady?

6 PROSPECTIVE JUROR MILOVICH: Karen  
7 Milovich, Badge No. 14-0319.

8 THE COURT: Yes, ma'am.

9 PROSPECTIVE JUROR MILOVICH: I'm a  
10 brand new teacher with the school district. My job this  
11 year is to fill out third and fourth graders to help them  
12 read at a second grade level. I have a brand new job.

13 It's not an issue of getting substitutes for  
14 teachers, however, my position is where I'm pulling up the  
15 reading groups. Reading is a very, very important task.

16 THE COURT: When do your classes meet?

17 PROSPECTIVE JUROR MILOVICH: Monday  
18 through Friday. My required hours are 8:21 to 3:21. I  
19 have two groups in the morning, 9:00 to 10:00, and 10:00  
20 to 11:00. In the afternoon I have 1:00 o'clock to 1:45,  
21 and 2:00 to 2:45.

22 As much as I would like to be a prospective  
23 juror, that is a brand new job for me. It's not as much  
24 having someone else cover for me, I am the person and the  
25 position was created for this reason to help lower level

1 readers improve. This is in addition to the classroom  
2 teachers and it is a brand new job for me also.

3 THE COURT: Again, as I told  
4 Ms. Shaffer, this is not one of the things that's  
5 contemplated, as you can imagine. Let me ask you to have  
6 your seat for now.

7 Yes, ma'am?

8 PROSPECTIVE JUROR DENNE: Badge  
9 No. 14-0330, Roxette Denne.

10 THE COURT: Yes, ma'am?

11 PROSPECTIVE JUROR DENNE: I would just  
12 like to know if you think it will run past April 6th? I  
13 have a scheduled meeting out of the country on April 8th,  
14 sir, and my time and my airfare is already booked.

15 THE COURT: Well, the third week would  
16 encompass the 6th. Actually, not. Your meeting is where?

17 PROSPECTIVE JUROR DENNE: Mexico.

18 THE COURT: Scheduled the 6th or the  
19 8th?

20 PROSPECTIVE JUROR DENNE: The 8th. I  
21 would be leaving on the 7th.

22 THE COURT: Thank you, ma'am.

23 Right here?

24 PROSPECTIVE JUROR WILHELM: Michael  
25 Wilhelm, 14-0286. I work for Parson Brothers Rockeries

1 here in Las Vegas. I've been here three years and we have  
2 a sister office in Reno. And work has asked if I can go  
3 to Reno for a transfer, and they're looking for me to be  
4 up there on Monday.

5 So I work down here at Sloan Mountain here  
6 in Clark County at Frehner construction pit, and I'm  
7 looking for a move to Reno. It could be anywhere from a  
8 couple weeks over the course of the next two months.

9 THE COURT: Is this a temporary  
10 transfer?

11 PROSPECTIVE JUROR WILHELM: Yes;  
12 temporary transfer. They have a whole bunch of work up  
13 there, and that's one of the reasons I'm going.

14 THE COURT: Is there no one that can do  
15 that?

16 PROSPECTIVE JUROR WILHELM: No. We're  
17 short of help. I'm the rock pit guy that has the training  
18 certificates and refresher courses. I'm one of two guys  
19 that can work at the pit.

20 THE COURT: Is there one up in Reno?

21 PROSPECTIVE JUROR WILHELM: Frehner  
22 Construction owns that one too, but I'm going up there  
23 because they're short of help.

24 THE COURT: Was the other man  
25 contemplating coming here?

1 PROSPECTIVE JUROR WILHELM: No.  
2 There's two rock pit guys that I'm training, and one guy  
3 has to stay here and work at Apex, and they want me to go  
4 to Reno.

5 THE COURT: Have a seat, please.  
6 In the back with the dark hair?

7 PROSPECTIVE JUROR KELLY: Christopher  
8 Kelly, No. 14-0331.

9 THE COURT: Go ahead.

10 PROSPECTIVE JUROR KELLY: First of all,  
11 I have significant hearing loss. A lot of times I have to  
12 resort to reading lips. I don't think I would be able to  
13 properly serve.

14 Second of all, I live over 60 miles away.

15 THE COURT: Where?

16 PROSPECTIVE JUROR KELLY: Overton,  
17 Nevada.

18 THE COURT: If you are within a certain  
19 range, we will put you up in a hotel.

20 PROSPECTIVE JUROR KELLY: With the  
21 hearing loss, I've been told that I might not.

22 THE COURT: Do you have a doctor's  
23 statement?

24 PROSPECTIVE JUROR KELLY: I don't, but  
25 I can get one. I think I go back in about a month, but I

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1 could go sooner, if that's requested, to get papers for  
2 that.

3 THE COURT: You are not having trouble  
4 hearing me, are you?

5 PROSPECTIVE JUROR KELLY: In the first  
6 part of things I missed quite a few things you said, but  
7 now I'm able to focus on you and it's not a big deal.  
8 When several things are going on I have to focus pretty  
9 hard.

10 THE COURT: Well, you would be seated  
11 over here where we have the speakers just above where  
12 you're seated. You should have better access to what's  
13 being said than back there. Go ahead and have a seat.

14 PROSPECTIVE JUROR ROBBINS: Lynda  
15 Robbins, 14-0332.

16 THE COURT: Yes, ma'am?

17 PROSPECTIVE JUROR ROBBINS: If the  
18 trial went on to April 5th and April 6th, I have religious  
19 observance that would be taking place, and that would  
20 cause me a problem.

21 THE COURT: What sort?

22 PROSPECTIVE JUROR ROBBINS: Passover.

23 THE COURT: What day is Good Friday?

24 MR. BLOOM: April 9th, Your Honor.

25 THE COURT: Thank you, ma'am.

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1 The lady in the red?

2 PROSPECTIVE JUROR PHILLIPENAS: I'm an  
3 independent contractor. I'm a hairdresser in Overton.

4 THE COURT: What is your name?

5 PROSPECTIVE JUROR PHILLIPENAS: Aaron  
6 Phillipenas, P-h-i-l-l-i-p-e-a-s, Badge 14-0336.

7 THE COURT: You're a hairdresser in  
8 Overton?

9 PROSPECTIVE JUROR PHILLIPENAS: Yes,  
10 sir.

11 THE COURT: Ma'am, what is the urgency  
12 there?

13 PROSPECTIVE JUROR PHILLIPENAS: I live  
14 off of my -- I don't have a base pay. I don't have a  
15 salary, and I live off of the services that I make.

16 THE COURT: Ma'am, in all candor,  
17 probably the majority of people here today will have  
18 problems being paid their full salary while they're here.  
19 So as you can imagine, there wouldn't be a statutory basis  
20 for excusal.

21 But I might add, can't you reschedule some  
22 of these people before noon so you'll have time to get  
23 here?

24 PROSPECTIVE JUROR PHILLIPENAS: I  
25 could. I mean, it's an hour's drive, and I'm can only

1 make so much in a few hours.

2 THE COURT: Go ahead and have a seat.

3 The man in black and yellow?

4 PROSPECTIVE JUROR CORDOVA: James

5 Cordova, Badge 14-0320. This is just -- I'm 20 years old

6 and I work two jobs and go to full time school, college.

7 One would be the pay, what she said.

8 And, also, I'm missing three weeks of  
9 school. I just can't do that. Also, I'm only 20 so I  
10 don't have the best paying job, so that's an issue.

11 THE COURT: What is your school  
12 schedule?

13 PROSPECTIVE JUROR CORDOVA: Monday  
14 11:00 to 3:00; Tuesday 12:30 to 3:30; Wednesday, 11:00 to  
15 3:00; Thursday 12:30 to 3:30, and 6:00 to 9:00.

16 Would you like my work schedule?

17 THE COURT: Do you work before or  
18 after?

19 PROSPECTIVE JUROR CORDOVA: One is  
20 Monday through Friday, 6:00 to 10:00. And the other is  
21 Tuesday, 3:00 to 10:00; Wednesday, 3:00 to 10:00. I can't  
22 work Thursday because of school. Friday, 3:00 to 10:00;  
23 Saturday, 3:00 to 10:00; Sunday, 4:00 to 10:00.

24 THE COURT: Thank you, sir.

25 PROSPECTIVE JUROR SALAS: Hector Salas.



1 Actually, I've got a case. I'm going to be on trial on  
2 the 26th for --

3 MR. BLOOM: Excuse me, the badge?

4 PROSPECTIVE JUROR SALAS: 14-0290.

5 I've got a case against me for an  
6 altercation with my ex-wife and her family.

7 THE COURT: Here in his courthouse, or  
8 where is it?

9 PROSPECTIVE JUROR SALAS: I think in  
10 this courthouse.

11 THE COURT: Do you have a lawyer?

12 PROSPECTIVE JUROR SALAS: Yes.

13 THE COURT: Who is your lawyer?

14 PROSPECTIVE JUROR SALAS: Court  
15 appointed.

16 THE COURT: Do you know what Judge  
17 you're supposed to appear before?

18 PROSPECTIVE JUROR SALAS: No; the 26th.

19 THE COURT: Trial or preliminary  
20 hearing?

21 PROSPECTIVE JUROR SALAS: Going for  
22 trial. I pled not guilty.

23 THE COURT: What building were you in  
24 when you pled not guilty?

25 PROSPECTIVE JUROR SALAS: I didn't go.

1 My lawyer went, or maybe that's what I'm going for, but  
2 it's the 26th.

3 THE COURT: Do you know if it's an  
4 arraignment?

5 PROSPECTIVE JUROR SALAS: I didn't want  
6 it to -- I'm willing to stay.

7 THE COURT: Have a seat, Mr. Salas.

8 PROSPECTIVE JUROR GAMBOA: Robert  
9 Gamboa, 14-0306. I just need to know, the trial is three  
10 weeks and Wednesday we're out, Thursday and Friday? I  
11 have a sale coming up Friday. I run the yard, I can set  
12 the sale up. I can get by next week, we're okay.

13 The following week I just have to make  
14 certain adjustments.

15 THE COURT: That's fine.

16 Behind?

17 PROSPECTIVE JUROR GRANT: Patricia  
18 Grant, No. 321.

19 THE COURT: Go ahead.

20 PROSPECTIVE JUROR GRANT: I'm employed  
21 at night and I baby-sit my grandchildren during the day.  
22 It would really cause a financial hardship for three  
23 weeks. We've been here for about six years, and I really  
24 have no one else to keep them.

25 The arrangement with my daughter is, she

1 works days and I work nights so we don't have to find  
2 someone to keep the two children.

3 THE COURT: These are her children?

4 PROSPECTIVE JUROR GRANT: Yes.

5 THE COURT: No one that can assist you?

6 PROSPECTIVE JUROR GRANT:

7 Unfortunately, there's not.

8 THE COURT: Do you or she have a  
9 husband?

10 PROSPECTIVE JUROR GRANT: My husband  
11 died two years ago, and she's not married.

12 THE COURT: All right. Thank you.

13 Anyone else?

14 PROSPECTIVE JUROR MEINEL: No. 14-0339,  
15 David Drach-Meinel. I have a handicapped child. He comes  
16 home from school at 2:00 o'clock. My wife works. We  
17 alternate taking care of him in the afternoons. I do that  
18 two or three days a week.

19 THE COURT: Do you not work?

20 PROSPECTIVE JUROR MEINEL: Yes. I work  
21 and we also alternate our schedules so we can each care  
22 for him.

23 THE COURT: So you have a flexible work  
24 schedule?

25 PROSPECTIVE JUROR MEINEL: Fairly

1 flexible.

2 THE COURT: Can she not pick up the  
3 slack?

4 PROSPECTIVE JUROR MEINEL: She can. It  
5 may be hard for her in this season of lent as we approach  
6 Easter.

7 THE COURT: In the back?

8 PROSPECTIVE JUROR MORIKAWA: 14-0347  
9 Shay Morikawa, M-o-r-i-k-a-w-a. I don't have a problem in  
10 serving on this jury. However, I work in a two-person  
11 office for the Nevada Department of Transportation in  
12 which we were subcontracted working on the 95 widening  
13 project.

14 I don't have a problem, however, my boss is  
15 going to be called to jury service on the 31st of this  
16 month. And not so much for myself, but if she would be  
17 called it would be a hardship for our office and the  
18 deadlines we need to meet.

19 THE COURT: She'll have to take it up  
20 with her Judge.

21 PROSPECTIVE JUROR MORIKAWA: If I do  
22 any part and I serve on this jury, unfortunately it would  
23 have to close down our office for at least a day or two.

24 THE COURT: Thank you, ma'am.

25 Anyone else?

1 PROSPECTIVE JUROR ADAMS: 14-0356  
2 Robert Adams. My problem is, I made commitments to be out  
3 of town. I have financial outlay that I'm afraid is not  
4 going to be refundable.

5 THE COURT: Is this work related?

6 PROSPECTIVE JUROR ADAMS: No. It's a  
7 vacation plan. And I understand the situation that  
8 there's more at stake here than a vacation for someone,  
9 but I've got over a thousand dollars outlaid to  
10 commitments.

11 THE COURT: May I ask where you're  
12 headed? What your plans are?

13 PROSPECTIVE JUROR ADAMS: It's a golf  
14 tournament, and that's why I'm saying it sounds pretty  
15 trivial with what's at stake here, but I do have an outlay  
16 that's not refundable.

17 THE COURT: Where you are headed?

18 PROSPECTIVE JUROR ADAMS: To Mesquite.

19 THE COURT: And it cost you \$1,000?

20 PROSPECTIVE JUROR ADAMS: It's a five  
21 day tournament and there's prize money involved.

22 THE COURT: I envisioned you were  
23 flying from the Hilton or some place.

24 MR. BLOOM: Could the Court inquire the  
25 dates?

1 PROSPECTIVE JUROR ADAMS: Monday the  
2 29th, Monday through Friday.

3 THE COURT: And it's an all-day  
4 situation?

5 PROSPECTIVE JUROR ADAMS: Yes.

6 THE COURT: Thank you.

7 Anyone else?

8 Counsel, approach the bench, please.

9 (Whereupon, counsel conferred with the Court.)

10 THE COURT: Mr. Wilhelm, could you  
11 stand, please, sir. The question arises in my mind and  
12 questions here from counsel on the mining situation, if  
13 you were sick, would they close the quarry?

14 PROSPECTIVE JUROR WILHELM: Like right  
15 now today, like I said, there's two of us with the  
16 requirements to be able to work up there. So my other guy  
17 is at Apex, and I'm at Sloan.

18 Today we're not hauling because none of our  
19 employees can work up there because it's a requirement for  
20 mining health and safety, you have to the certificate for  
21 the refresher course to be able to work on site. So,  
22 like, today we can't haul any boulders out.

23 THE COURT: Haul? I got the impression  
24 you were involved in demolition.

25 PROSPECTIVE JUROR WILHELM: No. All I

1 do is sort rocks; three, four, five boulders and put them  
2 on trucks, because we build all the rockeries in Clark  
3 County, rock walls.

4 THE COURT: Because you're here today,  
5 the people working with you cannot work legally,  
6 procedurally, or whatever it is?

7 PROSPECTIVE JUROR WILHELM: Yeah. In  
8 fact, it's affecting some of my crews today because they  
9 can't get any rocks, because I'm the only guy that can  
10 work on site there. I'm the only one of two that can be  
11 on that particular site.

12 THE COURT: If you were to serve as a  
13 juror, would you say peoples' work is going to be affected  
14 as well?

15 PROSPECTIVE JUROR WILHELM: Yeah. And  
16 then the other thing is too, that work wants to send me to  
17 Reno for at least two to eight weeks. Because we've got a  
18 lot of work going on there, and I'm the guy that has the  
19 refresher courses with the mining health and safety, which  
20 is the requirement to be able to work at these sites.

21 So that's the reason I'm being asked to go  
22 there. We don't generally hire just anybody to sort the  
23 rocks unless you have the refresher certificate.

24 THE COURT: I can understand that  
25 there's more to it than that.