

1 processing company.

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

3 PROSPECTIVE JUROR #50: No.

4 THE COURT: Any reason why could not be a completely fair and impartial
5 juror if you were selected to serve on this panel?

6 PROSPECTIVE JUROR #50: No.

7 THE COURT: Thank you. Thank you for being here.

8 Ms. Mindie Barlow. How long have you lived in Clark County?

9 PROSPECTIVE JUROR #51: Twenty-seven years.

10 THE COURT: Your education background.

11 PROSPECTIVE JUROR #51: Masters in education.

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

13 PROSPECTIVE JUROR #51: Teacher with Clark County District.

14 THE COURT: What do you teach?

15 PROSPECTIVE JUROR #51: Second grade.

16 THE COURT: How long have you taught second grade?

17 PROSPECTIVE JUROR #51: Second grade, I think, four years;
18 kindergarten and fourth grade.

19 THE COURT: Okay. Kindergarten, second, and fourth?

20 PROSPECTIVE JUROR #51: Uh-huh; elementary.

21 THE COURT: Your marital status.

22 PROSPECTIVE JUROR #51: Married.

23 THE COURT: Is your husband employed?

24 PROSPECTIVE JUROR #51: Yes.

25 THE COURT: What does your husband do?

1 PROSPECTIVE JUROR #51: He's a budget analyst for NS Tech.
2 THE COURT: Do you have any children?
3 PROSPECTIVE JUROR #51: Yes; three.
4 THE COURT: Three.
5 PROSPECTIVE JUROR #51: Yes; minors.
6 THE COURT: Okay. Have you ever served as a juror before?
7 PROSPECTIVE JUROR #51: No.
8 THE COURT: Any reason why you could not be a completely fair and
9 impartial juror if selected to serve on this panel?
10 PROSPECTIVE JUROR #51: No.
11 THE COURT: Thank you. Thank you for being here.
12 Robin Powell, Mr. Powell. How long have you lived in Clark County?
13 PROSPECTIVE JUROR #52: Fourteen years in total; seven most recently.
14 THE COURT: Your education background.
15 PROSPECTIVE JUROR #52: One year of college.
16 THE COURT: What'd you study?
17 PROSPECTIVE JUROR #52: I think it was photography.
18 THE COURT: So, you had fun. What do you do for a living?
19 PROSPECTIVE JUROR #52: I own a consulting firm.
20 THE COURT: What do you consult?
21 PROSPECTIVE JUROR #52: Gaming industry; casino business.
22 THE COURT: Gaming.
23 PROSPECTIVE JUROR #52: And intellectual property that we own.
24 THE COURT: Your marital status.
25 PROSPECTIVE JUROR #52: I lived with a partner and we have four children.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR #52: Three are in college and one is working.

3 THE COURT: Four children. You have three in college.

4 THE COURT: Whoa. Okay. And one works. What does that child do?

5 PROSPECTIVE JUROR #52: She works in the casino business in

6 Mississippi.

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

8 PROSPECTIVE JUROR #52: No.

9 THE COURT: Any reason why you could not be a completely fair and

10 impartial juror if you were selected to serve on this panel?

11 PROSPECTIVE JUROR #52: No.

12 THE COURT: Thank you, sir. Again, thank you for being here.

13 PROSPECTIVE JUROR #52: Thank you.

14 THE COURT: Ms. Millie Hiatt.

15 PROSPECTIVE JUROR #53: Yes.

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

17 PROSPECTIVE JUROR #53: Fifteen years.

18 THE COURT: Your education background.

19 PROSPECTIVE JUROR #53: High school graduate.

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

21 PROSPECTIVE JUROR #53: I am now retired. I worked for 17 years for a

22 casino company as a product developer buyer.

23 THE COURT: Your marital status.

24 PROSPECTIVE JUROR #53: Widow.

25 THE COURT: Do you have any children?

1 PROSPECTIVE JUROR #53: I have two. My son is a firefighter in California
2 and my daughter is a property manager in Florida.

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

4 PROSPECTIVE JUROR #53: I was an alternate once when I lived in
5 California but we never got to trial. They settled before --

6 THE COURT: Okay. Was it civil or criminal?

7 PROSPECTIVE JUROR #53: It was criminal.

8 THE COURT: Anything about that experience that would affect your ability to
9 be fair and impartial in this case?

10 PROSPECTIVE JUROR #53: No.

11 THE COURT: Any reason why you could not be a completely fair and
12 impartial juror if you were selected to serve on this panel?

13 PROSPECTIVE JUROR #53: No reason.

14 THE COURT: Thank you. Ms. Tracy Ence. How long have you lived in Clark
15 County?

16 PROSPECTIVE JUROR #56: Fifty-five years.

17 THE COURT: Your education background.

18 PROSPECTIVE JUROR #56: Bachelor of science in dental hygiene.

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

20 PROSPECTIVE JUROR #56: I'm a dental hygienist.

21 THE COURT: Your marital status.

22 PROSPECTIVE JUROR #56: Married.

23 THE COURT: Is your husband employed?

24 PROSPECTIVE JUROR #56: Yes.

25 THE COURT: What's he do?

1 PROSPECTIVE JUROR #56: He works for a trust company.
2 THE COURT: And what does he do for the trust company?
3 PROSPECTIVE JUROR #56: He's a manager.
4 THE COURT: Do you have children?
5 PROSPECTIVE JUROR #56: Five children.
6 THE COURT: Are any of them old enough to be employed?
7 PROSPECTIVE JUROR #56: Yes; they all are.
8 THE COURT: Can you tell us what each does for a living?
9 PROSPECTIVE JUROR #56: The oldest is a business development officer
10 for a aerospace company; the second is a -- works at the school in their resource --
11 learning resource center. She's a school teacher but isn't practicing that right now.
12 The third is a school teacher on maternity leave; the fourth is a college student, and
13 the fifth is a senior in high school.
14 THE COURT: Have you ever served as a juror before?
15 PROSPECTIVE JUROR #56: No.
16 THE COURT: Any reason why you could not be a completely fair and
17 impartial juror if you were selected to serve on this panel?
18 PROSPECTIVE JUROR #56: No.
19 THE COURT: Thank you. Thank you for being here.
20 Ms. Hernandez. Good afternoon. How long have you lived in Clark
21 County?
22 PROSPECTIVE JUROR #67: Two years.
23 THE COURT: We got you too right at the two year deadline. Your education
24 background.
25 PROSPECTIVE JUROR #67: High school diploma; current student.

1 THE COURT: Where do you go to school?
2 PROSPECTIVE JUROR #67: UNLV.
3 THE COURT: What are you studying?
4 PROSPECTIVE JUROR #67: Business administration.
5 THE COURT: What year are you in?
6 PROSPECTIVE JUROR #67: Sophomore.
7 THE COURT: Okay. Do you have a problem with midterms?
8 PROSPECTIVE JUROR #67: No.
9 THE COURT: You don't have 'em next week?
10 PROSPECTIVE JUROR #67: I'm actually taking a semester off right now.
11 THE COURT: Oh, okay. So, you're not currently enrolled?
12 PROSPECTIVE JUROR #67: No.
13 THE COURT: All right. Do you work?
14 PROSPECTIVE JUROR #67: Yes.
15 THE COURT: What do you do?
16 PROSPECTIVE JUROR #67: Retail sales.
17 THE COURT: Your marital status.
18 PROSPECTIVE JUROR #67: Single.
19 THE COURT: Any children?
20 PROSPECTIVE JUROR #67: No.
21 THE COURT: Have you ever served as juror before?
22 PROSPECTIVE JUROR #67: No.
23 THE COURT: Any reason why you could not be a completely fair and
24 impartial juror if selected to serve on this panel?
25 PROSPECTIVE JUROR #67: No.

1 THE COURT: Thank you, ma'am.

2 Okay. Mr. Padernilla.

3 PROSPECTIVE JUROR #74: Yes.

4 THE COURT: Thank you. Have long have you lived in Clark County?

5 PROSPECTIVE JUROR #74: Seven years and 11 months.

6 THE COURT: Your education background.

7 PROSPECTIVE JUROR #74: BSN graduate; registered nurse.

8 THE COURT: Okay. What area do you work in? Do you work in a hospital?

9 PROSPECTIVE JUROR #74: I work as a charge nurse in a long term care.

10 THE COURT: A charge nurse in a long term care.

11 PROSPECTIVE JUROR #74: That's it.

12 THE COURT: Okay. So, you're in charge of all the other nurses? Isn't that

13 what a charge nurse means?

14 PROSPECTIVE JUROR #74: Yeah, yeah. That's right.

15 THE COURT: Okay. So, you have -- you also have a four year degree in

16 nursing; correct?

17 PROSPECTIVE JUROR #74: Five years.

18 THE COURT: Five years.

19 PROSPECTIVE JUROR #74: [Indiscernible].

20 THE COURT: Okay. Your marital status.

21 PROSPECTIVE JUROR #74: Divorced.

22 THE COURT: Do you have children?

23 PROSPECTIVE JUROR #74: No.

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

25 PROSPECTIVE JUROR #74: No.

1 THE COURT: Any reason why you could not be a completely fair and
2 impartial juror --

3 PROSPECTIVE JUROR #74: No.

4 THE COURT: -- if you were selected to serve on this panel?

5 PROSPECTIVE JUROR #74: No.

6 THE COURT: Thank you, sir. Thank you very much.

7 Okay. I just have a few questions and these questions are going to be
8 for the jury panel as a whole. So, if you want to answer this question, raise your
9 hand and remember to state your name and badge number before responding.

10 Have you or anyone close to you such as a family member or friend
11 ever been the victim of a crime? Have you or anyone close to you such as a family
12 member or friend ever been the victim of a crime? Okay. Remember, these are
13 only for the 32 that are in the box. So, if you're not in the box, you don't have to
14 answer right now, but you'll have to answer if you get in the box. So, thank you very
15 much for paying such good attention. Go ahead, sir.

16 PROSPECTIVE JUROR #30: I got jumped at a --

17 THE COURT: Badge number.

18 PROSPECTIVE JUROR #030: Eric Greenwood, Badge number 30.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR #030: I was with my sons at a Shakey's Pizza in
21 California and a guy pulled a pipe on me and told me he was going to beat me up.

22 THE COURT: And then you did get beat up?

23 PROSPECTIVE JUROR #030: No, I ran 'em off.

24 THE COURT: You what?

25 PROSPECTIVE JUROR #030: I ran 'em off but then the cops came. So,

1 technically I was jumped but nothing came of it.

2 THE COURT: All right. So, they didn't take any of your property?

3 PROSPECTIVE JUROR #030: No, ma'am.

4 THE COURT: And you didn't get hurt?

5 PROSPECTIVE JUROR #030: No, ma'am.

6 THE COURT: But the police came?

7 PROSPECTIVE JUROR #030: Yes, ma'am.

8 THE COURT: Did they ever catch the person?

9 PROSPECTIVE JUROR #030: They did.

10 THE COURT: All right. Did you have to go to Court and testify?

11 PROSPECTIVE JUROR #030: No, ma'am.

12 THE COURT: What happened as a result of them catching the perpetrator?

13 PROSPECTIVE JUROR #030: They just came to my house and showed me

14 the pictures of the fellows and I was to identify the ones that did it.

15 THE COURT: There were more than one?

16 PROSPECTIVE JUROR #030: One drove a truck, like a getaway truck, and

17 the other guy was the guy that pulled the pipe on me.

18 THE COURT: Okay. And so you identified them?

19 PROSPECTIVE JUROR #030: Yes.

20 THE COURT: And then what happened after that, if anything?

21 PROSPECTIVE JUROR #030: Yeah, I never really heard. They just said,

22 okay, that's who we thought it was and we'll need you if we need you.

23 THE COURT: And so you didn't follow up on it?

24 PROSPECTIVE JUROR #030: No, ma'am.

25 THE COURT: Okay. Were you happy with how the case was handled?

1 PROSPECTIVE JUROR #030: It was fine because I didn't get injured and
2 they didn't my hurt my kids so I was good.

3 THE COURT: All right. So, were you happy with the way the police handled
4 it?

5 PROSPECTIVE JUROR #030: Yeah, they did fine.

6 THE COURT: Okay. Thank you.

7 PROSPECTIVE JUROR #030: Yes, ma'am.

8 THE COURT: Anything about that experience that would affect your ability to
9 be fair and impartial in this case?

10 PROSPECTIVE JUROR #030: No, ma'am.

11 THE COURT: Okay. Thank you.

12 PROSPECTIVE JUROR #032: Helen Stephens, Juror 32. My van was stolen
13 from in front of my home about five years ago. I actually caught the guy later in the
14 afternoon in the neighborhood in the van and I disabled my van by running into the
15 front tire. My father had told me if you ever need to stop a car run into the tire and
16 make it bend in and they won't go anywhere. And the police were called. I had a
17 cellphone. The police were called.

18 THE COURT: You ran into the van?

19 PROSPECTIVE JUROR #032: Yes, with my rental.

20 THE COURT: With what?

21 PROSPECTIVE JUROR #032: With my rental.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR #032: Yes; I had lots of claims that year. There was
24 a trial. I was called.

25 THE COURT: So, the police caught the person?

1 PROSPECTIVE JUROR #032: Yes.

2 THE COURT: They see him.

3 PROSPECTIVE JUROR #032: Yes.

4 THE COURT: Okay. And that person got arrested?

5 PROSPECTIVE JUROR #032: Yes.

6 THE COURT: Got charged?

7 PROSPECTIVE JUROR #032: Yes.

8 THE COURT: And it actually went to trial?

9 PROSPECTIVE JUROR #032: Yes; he went to trial. Actually he had a bunch

10 of stolen cars all over the city and he left his key ring with the little lockbox key for

11 dealerships on there and they were able to trace all these cars and get 'em back.

12 So, he got 15 years.

13 THE COURT: So, did you have to come to Court and testify?

14 PROSPECTIVE JUROR #032: Yes, ma'am.

15 THE COURT: And was that in this courthouse?

16 PROSPECTIVE JUROR #032: No; it was in North Las Vegas.

17 THE COURT: Okay. But you never had to come here?

18 PROSPECTIVE JUROR #032: No.

19 THE COURT: All right. You only had to testify in North Las Vegas?

20 PROSPECTIVE JUROR #032: Right.

21 THE COURT: Okay. Were you happy with the way it was handled?

22 PROSPECTIVE JUROR #032: I wasn't real happy with the police letting him

23 get away. I told them where he was.

24 THE COURT: How'd he get away? I thought you stopped him.

25 PROSPECTIVE JUROR #032: He jumped out the van. It crashed into the

1 sidewalk. He jumped out of the van, cussed me out, and ran down a drainage ditch.
2 But he just went back around the corner to the house he was staying at. I told the
3 policeman if he would just wait a minute I was pretty sure the guy was going to
4 come out 'cause he wasn't too bright.

5 THE COURT: He wasn't what?

6 PROSPECTIVE JUROR #032: He wasn't very smart.

7 THE COURT: Oh, okay.

8 PROSPECTIVE JUROR #032: He took the stolen van back to my own
9 neighborhood.

10 THE COURT: Yeah, not very bright.

11 PROSPECTIVE JUROR #032: So, as I was going back in to my
12 neighborhood, this guy comes walking down the sidewalk in different clothes
13 carrying plastic bags and nodded at me, and I said, well, that's him. I threw on the
14 brakes and he took off running. So, I just went home and called the police again
15 and told 'em.

16 THE COURT: But they eventually apprehended him?

17 PROSPECTIVE JUROR #032: Four days later, yes.

18 THE COURT: Okay. And you were -- I mean, besides that, were you happy
19 with the way it was handled?

20 PROSPECTIVE JUROR #032: Yes, I was.

21 THE COURT: Okay. Anything about that experience that would affect your
22 ability to be fair and impartial in this case?

23 PROSPECTIVE JUROR #032: No, I don't think so.

24 THE COURT: Don't take this lady's car. Thank you.

25 Anyone else? Okay. Pass it down here.

1 PROSPECTIVE JUROR #037: I've just had multiple --
2 THE COURT: Your name and badge number.
3 PROSPECTIVE JUROR #037: Oh, sorry. Yvonne Lewis, number 37.
4 I've had multiple cars broken into and property stolen, like a purse and CDs and
5 stuff like that. Neither case was solved or the person caught or anything that I know
6 of came out of it.
7 THE COURT: Anything about those experiences that would affect your ability
8 to be fair and impartial in this case?
9 PROSPECTIVE JUROR #037: No.
10 THE COURT: Thank you.
11 PROSPECTIVE JUROR #040: Hi. Kathleen Smith, number 40. I was a
12 victim of domestic violence.
13 THE COURT: Okay. When was that?
14 PROSPECTIVE JUROR #040: About two, three years ago.
15 THE COURT: All right. And I'm assuming that was your spouse?
16 PROSPECTIVE JUROR #040: Yes.
17 THE COURT: Okay. And the police were called?
18 PROSPECTIVE JUROR #040: Yes.
19 THE COURT: Okay. Did it have to go to trial in the case?
20 PROSPECTIVE JUROR #040: Yes.
21 THE COURT: All right. Did you have to go to Court and testify?
22 PROSPECTIVE JUROR #040: Yes.
23 THE COURT: Were you happy with the way it was handled?
24 PROSPECTIVE JUROR #040: Yes.
25 THE COURT: Okay. Anything about that case that would affect your ability to

1 be fair and impartial in this case?

2 PROSPECTIVE JUROR #040: No.

3 THE COURT: Okay. And you're not married anymore?

4 PROSPECTIVE JUROR #040: We're separated.

5 THE COURT: Okay. All right. Did you ever have to come to this courthouse
6 and testify?

7 PROSPECTIVE JUROR #040: It was in North Las Vegas.

8 THE COURT: North Las Vegas. Okay. Thank you. Anyone else over here
9 in the box?

10 PROSPECTIVE JUROR #020: Mona Stammetti, number 20.

11 While we were at work our apartment was broken into and a lot of
12 things were stolen, and we've had property taken from our truck.

13 THE COURT: Anything about those experiences that would affect your ability
14 to be fair and impartial in this case?

15 PROSPECTIVE JUROR #020: I don't think so, no.

16 THE COURT: Okay. Anything about those -- because you're the only one
17 who can tell me. So, were they separate events? So, someone burglarized your
18 home?

19 PROSPECTIVE JUROR #020: They were separate events. It was in
20 California; it was kind of traumatic --

21 THE COURT: Sure.

22 PROSPECTIVE JUROR #020: -- at the time, and I wasn't happy with the way
23 it was handled.

24 THE COURT: Okay. So, when was your home burglarized? That was in
25 California; correct?

1 PROSPECTIVE JUROR #020: It was in California in '89.

2 THE COURT: And why weren't you happy?

3 PROSPECTIVE JUROR #020: In California, Southern California all the cities
4 kind of run together and we found some of my property in a pawn shop.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR #020: And the police told us they wouldn't really do
7 anything unless -- they wouldn't go to the pawn shop and research anything unless
8 they were after something in particular, like they had another reason to go there,
9 they wouldn't follow up on it.

10 THE COURT: Okay. So, you weren't happy with the way it was handled --

11 PROSPECTIVE JUROR #020: No.

12 THE COURT: -- I'm assuming it wasn't solved?

13 PROSPECTIVE JUROR #020: No, it wasn't.

14 THE COURT: Okay. And then you said your car was broken into?

15 PROSPECTIVE JUROR #020: At Long Beach State. Actually they took the
16 tailgate off my new truck.

17 THE COURT: Okay. And the police were called?

18 PROSPECTIVE JUROR #020: Yes, and nothing ever came of that.

19 THE COURT: Okay. Were you happy with the way that was handled?

20 PROSPECTIVE JUROR #020: No.

21 THE COURT: Okay. Because?

22 PROSPECTIVE JUROR #020: Because you couldn't hardly even talk to
23 someone. They're just so overwhelmed --

24 THE COURT: Okay.

25 PROSPECTIVE JUROR #020: -- that they weren't going to do anything.

1 THE COURT: Do you believe the police were overwhelmed?

2 PROSPECTIVE JUROR #020: I believe so, yes.

3 THE COURT: Okay. And that maybe this might have been minor to them --

4 PROSPECTIVE JUROR #020: Yes.

5 THE COURT: -- but it was a huge deal to you?

6 PROSPECTIVE JUROR #020: Yes.

7 THE COURT: Okay. Anything about those experiences that would affect

8 your ability to be fair and impartial in this case?

9 PROSPECTIVE JUROR #020: No.

10 THE COURT: Thank you. Anyone else? Right there.

11 PROSPECTIVE JUROR #042: Eugene Kordoban, 42.

12 My car was stolen out of my garage in 2004. They found the car after

13 the insurance took possession of it. So, I saw the car to get any personal stuff out of

14 it. There was drug paraphernalia and needles and stuff inside the car. Luckily I

15 went into the -- where you put your glasses, you know, and I opened it up and there

16 was needle in there. Scary, scary. The police handled it as best as they could.

17 They found the car and found him because of a broken taillight which is kind of cool.

18 But I never had to testify because the insurance company had it.

19 THE COURT: Okay. Anything about that experience that would affect your

20 ability to be fair and impartial in this particular case?

21 PROSPECTIVE JUROR #042: None.

22 THE COURT: Thank you. Anyone else?

23 PROSPECTIVE JUROR #046: Robert Bell, number 46.

24 I've had multiple -- let's see -- bicycles stolen; my wife's car stolen; our

25 house has been broken into. Nothing ever went to trial. Nobody ever got caught for

1 it.

2 THE COURT: Okay. Did you call the police every time?

3 PROSPECTIVE JUROR #046: Yeah.

4 THE COURT: Were you happy with the way they handled the cases?

5 PROSPECTIVE JUROR #046: No, no. Not much was handled. But when
6 our home was broken into the door was kicked in and my wife was under the
7 assumption that they were still there because all our valuables, our guitars,
8 everything, was all still hanging on the wall that she could visibly. So, she was -- it
9 was well over an hour. She called me. I brought my vehicle back to the yard, got
10 my personal vehicle, came back, beat the cops there by 45 minutes.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR #046: That was a little disappointing.

13 THE COURT: So, you weren't happy about that because you thought the
14 intruders were still in your home?

15 PROSPECTIVE JUROR #046: Mm-hmm.

16 THE COURT: Were they?

17 PROSPECTIVE JUROR #046: No.

18 THE COURT: Okay. Anything about those experiences that would affect
19 your ability to be fair and impartial in this case?

20 PROSPECTIVE JUROR #046: No.

21 THE COURT: Thank you, sir.

22 PROSPECTIVE JUROR #049: Elizabeth Spaur, 49.

23 When I was in college my car was stolen. The police did recover it. I
24 don't believe they ever caught who stole it but my car was recovered with minor
25 damage. And then right after my husband and I moved here to Las Vegas, his car

1 was broken into while we were at the IHOP on Tropicana, and we reported it to the
2 police but nothing was ever happened. They didn't take the car. They just took
3 personal property out of the car.

4 THE COURT: Okay. Anything about those experiences that would affect
5 your ability to be a fair and impartial juror in this case?

6 PROSPECTIVE JUROR #046: No.

7 THE COURT: Thank you. Anyone else?

8 PROSPECTIVE JUROR #052: Robin Powell, 52. My house was broken into
9 back '88 and my personal effects were stolen, family heirlooms and stuff like that.

10 THE COURT: Were the police called?

11 PROSPECTIVE JUROR #052: Oh, yes.

12 THE COURT: Did they catch the person?

13 PROSPECTIVE JUROR #052: No.

14 THE COURT: Were you happy with the way the police handled it?

15 PROSPECTIVE JUROR #052: They did as much as they could.

16 THE COURT: Okay. Anything about that experience that would affect your
17 ability to be fair and impartial in this case?

18 PROSPECTIVE JUROR #052: No.

19 THE COURT: Thank you, sir. Anyone else? Okay. The record will reflect no
20 further response from the panel.

21 Have you or anyone close to you such as a family member or friend
22 ever been the victim of a sexual assault, sexual abuse or domestic violence other
23 than what you've already told us about? Go ahead, ma'am.

24 PROSPECTIVE JUROR #050: Nicole Fried, number 50.

25 When my mother was younger she was molested repeatedly by her

1 uncle.

2 PROSPECTIVE JUROR #050: Okay. So, I'm assuming you know that
3 because your mother told you about it?

4 PROSPECTIVE JUROR #050: Yes.

5 THE COURT: All right. How old were you when your mother told you about
6 that?

7 PROSPECTIVE JUROR #050: Just recently she told me.

8 THE COURT: And what was the -- I guess the reason for tell you that?

9 PROSPECTIVE JUROR #050: She just kept it hidden inside for so long and
10 now that I guess I'm older and we're friends now, you know, like mother and
11 daughters are. As the daughter gets older she just divulged the information to me.
12 Now I understand a lot of the issues that she had. I didn't really know when I was
13 growing up, but now I understand like, you know, the reasons why she did a lot of
14 the things that she did.

15 THE COURT: Did she report it?

16 PROSPECTIVE JUROR #050: She had told her parents and they just didn't
17 do anything about it, old school Italian family, sweep it under the rug kind of a thing.

18 THE COURT: Okay. Anything about that that would affect your ability to be
19 fair and impartial in this case?

20 PROSPECTIVE JUROR #050: Possibly, yeah.

21 THE COURT: Okay. Well we need to know that.

22 PROSPECTIVE JUROR #050: Yes.

23 THE COURT: Yes, it will?

24 PROSPECTIVE JUROR #050: Yes.

25 THE COURT: Okay. How so?

1 PROSPECTIVE JUROR #050: Just because my mother and just from --
2 THE COURT: And I always feel terrible having to ask you these questions
3 because they're so personal. When did your mother disclose this to you?
4 PROSPECTIVE JUROR #050: Maybe about three years ago.
5 THE COURT: Okay. But you understand what happened to your mother and
6 what goes in here are completely separate things?
7 PROSPECTIVE JUROR #050: Yes, I do.
8 THE COURT: Okay. So, you wouldn't want to take out on anybody else what
9 happened to your mother; correct?
10 PROSPECTIVE JUROR #050: Yeah, I wouldn't.
11 THE COURT: All right. And you agree with me as the Defendant sits here
12 today, he's innocent?
13 PROSPECTIVE JUROR #050: Yes.
14 THE COURT: Do you agree with that?
15 PROSPECTIVE JUROR #050: Yes.
16 THE COURT: And you understand the State of Nevada has the burden of
17 proof. They have to establish each of the material elements as alleged in their
18 charging document by proof beyond a reasonable doubt?
19 PROSPECTIVE JUROR #050: Yes.
20 THE COURT: Do you understand that?
21 PROSPECTIVE JUROR #050: Yeah. Everyone's entitled.
22 THE COURT: Okay. If the State fails to meet their burden of proof, what
23 verdict are you going to return if the State does not meet their burden of proof?
24 PROSPECTIVE JUROR #050: Okay. Well then he wouldn't be guilty.
25 THE COURT: Okay. And if they do meet their burden of proof?

1 PROSPECTIVE JUROR #050: Then guilty.

2 THE COURT: Okay. So, how is what happened to your mom interfere with
3 that?

4 PROSPECTIVE JUROR #050: I guess it wouldn't then.

5 THE COURT: Well I don't know. I'm not trying to talk you out of it. I'm trying
6 to figure out if it's going to really interfere with your ability to be fair and impartial.
7 Here's the bottom line. Everybody comes to this courtroom with life experiences.
8 I'm not going to every find anybody that doesn't have a life experience. Okay. What
9 I need to know is if you're a person that can leave those life experiences at the door
10 and come in here with an open mind and judge this case based solely upon what
11 you see and hear in the courtroom and the instructions on the law which will be
12 given to you at the end of the case.

13 PROSPECTIVE JUROR #050: Okay. I could do that.

14 THE COURT: Can you do that?

15 PROSPECTIVE JUROR #050: Yeah.

16 THE COURT: Okay. Will you be able to set aside what happened to your
17 mother and not judge this case based upon what happened to your mother?

18 PROSPECTIVE JUROR #050: Yeah.

19 THE COURT: Okay. And now you said you're friends with your mother?

20 PROSPECTIVE JUROR #050: Yeah, really close.

21 THE COURT: Does she live here in Clark County?

22 PROSPECTIVE JUROR #050: No, they live in New York.

23 THE COURT: All right. So, I'm assuming you communicate with her by
24 talking on the phone?

25 PROSPECTIVE JUROR #050: Constantly, yes.

1 THE COURT: All right. Every day?

2 PROSPECTIVE JUROR #050: Yeah, every day.

3 THE COURT: Okay. So, you understand that if you're asked to be a juror on
4 this case you could not talk to her about this case; do you understand that?

5 PROSPECTIVE JUROR #050: Yeah, yeah, I understand.

6 THE COURT: When you talk to her every day you could tell her you're a juror
7 in a criminal case but you couldn't tell her anything else; do you understand that?

8 PROSPECTIVE JUROR #050: Absolutely.

9 THE COURT: And you would comply with that?

10 PROSPECTIVE JUROR #050: Yes.

11 THE COURT: But when you're done, when you're discharged as a juror, you
12 could talk to anyone or you don't have to talk to anyone. It's completely up to you;
13 do you understand that?

14 PROSPECTIVE JUROR #050: Yeah.

15 THE COURT: Okay. Well what if you returned a verdict in this case, let's say
16 a not guilty verdict, would you have a problem telling your mom that?

17 PROSPECTIVE JUROR #050: No, I wouldn't just because it's different from
18 what happened to her.

19 THE COURT: Okay. So, you wouldn't have any fear of any ramifications or
20 your mom being upset with you?

21 PROSPECTIVE JUROR #050: No, no.

22 THE COURT: Okay. So, we wouldn't have to worry about you trying to return
23 a verdict that would make your mom happy?

24 PROSPECTIVE JUROR #050: No.

25 THE COURT: Okay. Anything about what happened to your mom that is

1 going to interfere with your ability to give the State of Nevada and this gentleman a
2 fair trial?

3 PROSPECTIVE JUROR #050: No.

4 THE COURT: Okay. And, again, I'm sorry we had to ask those questions.

5 PROSPECTIVE JUROR #050: That's okay.

6 THE COURT: Okay. Thank you. Anyone else?

7 PROSPECTIVE JUROR #40: Can you repeat the question again?

8 THE COURT: Have you or anyone close to you such as a family member or
9 friend ever been the victim of a sexual assault, sexual abuse or domestic violence?

10 So, other than what you've already disclosed to me, ma'am, will you state your
11 name just so the -- will you state your name and badge number?

12 PROSPECTIVE JUROR #040: Kathleen Smith, Badge 40.

13 THE COURT: Okay. All right. Again, I see some people that are not in the
14 32 raising their hands. I'm so appreciative everybody's paying attention because
15 you may end up here in the box. But I don't need you to answer these questions.
16 They are just for the first 32. So, is there anyone in the first 32 that needs to
17 respond. Ms. StClair, go ahead.

18 PROSPECTIVE JUROR #014: Melinda StClair, Badge 14.

19 My mom had domestic violence when we were growing up.

20 THE COURT: Your mom was what?

21 PROSPECTIVE JUROR #014: My mom had some domestic violence. We
22 were growing up with my stepfather. He also molested my two oldest sisters.

23 THE COURT: Okay. The same person?

24 PROSPECTIVE JUROR #014: Yes.

25 THE COURT: Okay. So, your mom was a victim of a domestic violence?

1 PROSPECTIVE JUROR #014: Yes.

2 THE COURT: Did you witness it or did you hear about it?

3 PROSPECTIVE JUROR #014: I seen her black and blue from head to toe.

4 THE COURT: Okay. So, you knew that that was a result of stepdad?

5 PROSPECTIVE JUROR #014: Yes.

6 THE COURT: Yes?

7 PROSPECTIVE JUROR #014: Yes.

8 THE COURT: Okay. Did she ever call the police?

9 PROSPECTIVE JUROR #014: I'm not sure. I was young. I can't remember

10 that part.

11 THE COURT: Okay. How old were you?

12 PROSPECTIVE JUROR #014: Seven, eight.

13 THE COURT: Okay. So, you were really little?

14 PROSPECTIVE JUROR #014: Yeah.

15 THE COURT: Okay. Anything about that experience that would affect your

16 ability to be fair and impartial in this case?

17 PROSPECTIVE JUROR #014: No.

18 THE COURT: And then you said something about your older sisters were

19 molested?

20 PROSPECTIVE JUROR #014: Yeah; he molested both of them.

21 THE COURT: Okay. How did you come to find out that?

22 PROSPECTIVE JUROR #014: They mentioned it later on in life.

23 THE COURT: So, after they became adults?

24 PROSPECTIVE JUROR #014: I guess when they were younger and

25 teenagers and stuff. There was a lot going on and I guess I was left out of it 'cause I

1 was younger.

2 THE COURT: Yeah. Again, you were like seven or eight?

3 PROSPECTIVE JUROR #014: Yes.

4 THE COURT: Okay. But your older sisters, are they -- how much older are
5 they than you?

6 PROSPECTIVE JUROR #014: Seven, eight years old.

7 THE COURT: Okay. And they disclosed it?

8 PROSPECTIVE JUROR #014: Yes.

9 THE COURT: When they were teenagers?

10 PROSPECTIVE JUROR #014: Yeah, to my mom.

11 THE COURT: Okay. How did you find out about it?

12 PROSPECTIVE JUROR #014: There was a lot of animosity because my
13 mom didn't believe them.

14 THE COURT: Okay. So, sisters disclosed it to mom; mom, you believe,
15 didn't believe the sisters?

16 PROSPECTIVE JUROR #014: Correct.

17 THE COURT: Okay. But you're so little. Did you figure this all out on your
18 own?

19 PROSPECTIVE JUROR #014: Yeah.

20 THE COURT: Okay. And then what -- did the police ever get called?

21 PROSPECTIVE JUROR #014: I'm not sure. I know that they -- after he beat
22 her black and blue he was gone.

23 THE COURT: Okay. She made him leave?

24 PROSPECTIVE JUROR #014: I'm not sure.

25 THE COURT: Okay. So, stepfather was gone at some point, and even today

1 you don't know why he left?

2 PROSPECTIVE JUROR #014: No. I know that he contacted my mom a few
3 years ago and she told him do not -- do not come see me or I will let my daughters
4 know where you're at.

5 THE COURT: Okay. So, has she since kind of changed her opinion?

6 PROSPECTIVE JUROR #014: My mom passed away in 2012.

7 THE COURT: Oh, I'm sorry. I'm sorry. But it sounds like at some point she
8 changed her opinion on whether your sisters were telling the truth or not?

9 PROSPECTIVE JUROR #014: Yeah, she did. She starting coming to be a
10 little bit smarter than she was then.

11 THE COURT: So, at first she didn't believe it?

12 PROSPECTIVE JUROR #014: Right.

13 THE COURT: And then she came around --

14 PROSPECTIVE JUROR #014: Yes.

15 THE COURT: -- and believed it. Okay. Was it ever reported to the police?

16 PROSPECTIVE JUROR #014: I don't think so.

17 THE COURT: Okay. And it sounds like you kind of know all this because you
18 figured it out?

19 PROSPECTIVE JUROR #014: Right.

20 THE COURT: Did your sisters ever tell you?

21 PROSPECTIVE JUROR #014: We never have really talked about it.

22 THE COURT: Okay. It's something that's not really talked about?

23 PROSPECTIVE JUROR #014: Right.

24 THE COURT: Okay. Anything about those experiences that would affect
25 your ability to be fair and impartial in this case?

1 PROSPECTIVE JUROR #014: No.

2 THE COURT: Okay. Anyone else? Thank you.

3 PROSPECTIVE JUROR #014: I also had some domestic violence with my
4 husband.

5 THE COURT: I apologize. Oh, I'm sorry. Okay.

6 PROSPECTIVE JUROR #014: It's all taken care of though.

7 THE COURT: All right. Can you just give me a brief statement of what
8 happened.

9 PROSPECTIVE JUROR #014: We got into a really fight and he went to jail.
10 He got out and went to drug therapy.

11 THE COURT: Okay. Did you call the police?

12 PROSPECTIVE JUROR #014: Yes.

13 THE COURT: And they came and got him?

14 PROSPECTIVE JUROR #014: Yep.

15 THE COURT: And he was arrested?

16 PROSPECTIVE JUROR #014: Yep.

17 THE COURT: And he was charged?

18 PROSPECTIVE JUROR #014: Yeah. The charges were dropped, I believe.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR #014: He didn't have to go to class or anything.

21 THE COURT: All right. So, he went to jail and he got out but he was never
22 charged with anything?

23 PROSPECTIVE JUROR #014: He had to go to Court but I don't -- I think they
24 dropped it because he was going to class.

25 THE COURT: What kind of class?

1 PROSPECTIVE JUROR #014: A drug therapy behavioral -- Nevada
2 Behavioral Center.

3 THE COURT: Okay. So, you think that because he was going to some
4 classes that the government didn't proceed against him?

5 PROSPECTIVE JUROR #014: Correct.

6 THE COURT: Did you ever talk to him about it?

7 PROSPECTIVE JUROR #014: Well we're still married.

8 THE COURT: Okay. I'm just wondering.

9 PROSPECTIVE JUROR #014: But, yeah, we talked about it. You know, we
10 worked our problems out and everything.

11 THE COURT: Okay. Anything about that experience that would affect your
12 ability to be fair and impartial?

13 PROSPECTIVE JUROR #014: No.

14 THE COURT: Okay. Anything else?

15 PROSPECTIVE JUROR #014: No, thank you.

16 THE COURT: Okay. I'm sorry you had to tell us that but thank you very
17 much. I know I had a lot of hands. Go ahead.

18 PROSPECTIVE JUROR #037: Hello. Yvonne Lewis, number 37. I just grew
19 up in a home with a lot of domestic violence. My mother was actually the aggressor
20 and the cops were called more times than I can remember, and being this little third
21 grade talking to judges and whatnot, that was about it. Once I was old enough to
22 fight back, it stopped.

23 THE COURT: Oh, you mean it was against you?

24 PROSPECTIVE JUROR #037: My dad and myself. She was a big woman.

25 THE COURT: From your mom?

1 PROSPECTIVE JUROR #037: Yeah.

2 THE COURT: Okay. And so you or your father would call the police on her?

3 PROSPECTIVE JUROR #037: Or the neighbors or whoever saw what was
4 going on, but yeah.

5 THE COURT: And she would get arrested?

6 PROSPECTIVE JUROR #037: Sometimes. Sometimes they would just be
7 separated for a few months and then she'd come back. It was just a, you know,
8 periodic thing. Every couple years she would go crazy and beat somebody up and
9 then leave. But small towns and, you know, things are kind of just -- don't do it
10 again and then they came back.

11 THE COURT: Okay. Anything about those experiences that would affect
12 your ability to be fair and impartial?

13 PROSPECTIVE JUROR #037: No.

14 THE COURT: Thank you.

15 PROSPECTIVE JUROR #037: Thank you.

16 THE COURT: Anyone else in the box?

17 PROSPECTIVE JUROR #020: Mona Stammetti, number 20.

18 My mother was sexually molested by her brother.

19 THE COURT: Okay. How did you come to find out about that?

20 PROSPECTIVE JUROR #020: She told me probably 30 years ago.

21 THE COURT: Okay. Was that her first disclosure or had she told somebody
22 else?

23 PROSPECTIVE JUROR #020: I know she told my dad. She was married
24 to my dad at the time. And then my best friend was molested by her father. She
25 and her sister were both molested by her father.

1 THE COURT: Anything about those experiences that would affect your ability
2 to be fair and impartial?

3 PROSPECTIVE JUROR #020: No.

4 THE COURT: Thank you.

5 PROSPECTIVE JUROR #044: Diana Hayes, number 44.

6 My mother was a victim of incest from her father.

7 THE COURT: Okay. Now how did you come to know that?

8 PROSPECTIVE JUROR #044: Probably about ten years ago, my aunt, her
9 sister, and I were talking.

10 THE COURT: And who told you?

11 PROSPECTIVE JUROR #044: She did, my aunt.

12 THE COURT: Your aunt told you that that happened to your mother?

13 PROSPECTIVE JUROR #044: Right. There's some question whether or not
14 my aunt is my sister.

15 THE COURT: Okay. Anything about -- I'm sorry -- anything about that
16 experience that would affect your ability -- and again I'm sorry, I'm sorry, Ms. Hayes,
17 -- anything about that disclosure and learning that that would affect your ability to be
18 fair and impartial?

19 PROSPECTIVE JUROR #040: I've heard you ask the other people and I
20 want to say the answer's no, but it's -- I mean, I'm surprised at my own reaction. So,
21 my concern would --

22 THE COURT: Would you rather -- Ms. Hayes, if you want to approach the
23 bench you can. Is that more comfortable? Okay. It's Badge number 44, Ms.
24 Hayes. You can approach the bench.

25 [Bench conference -- begins]

1 THE COURT: I'm sorry, Ms. Hayes.

2 PROSPECTIVE JUROR #044: It's pretty public.

3 THE COURT: Okay. All four lawyers are present. Ms. Hayes is here. I just
4 want to make sure I understood. Your mother was the victim of sexual assault by
5 her --

6 PROSPECTIVE JUROR #044: Repeated incest from her father.

7 THE COURT: -- by her father. And then you said your aunt might really be
8 your sister?

9 PROSPECTIVE JUROR #044: Um-hm.

10 THE COURT: Because your mom gave birth to your aunt?

11 PROSPECTIVE JUROR #044: Possibly.

12 THE COURT: Possibly. Okay.

13 PROSPECTIVE JUROR #044: There's a 14 year difference between them.
14 The abuse was going on during that time because my grandmother had diabetes
15 and we don't know. We've never tested it.

16 THE COURT: Okay. And you found this out -- I'm sorry -- and you found this
17 out because your aunt told you?

18 PROSPECTIVE JUROR #044: Um-hm.

19 THE COURT: Okay. When was this disclosure made?

20 PROSPECTIVE JUROR #044: About ten years ago.

21 THE COURT: All right. And it has a pretty profound affect on you?

22 PROSPECTIVE JUROR #044: I was afraid [indiscernible] and then you
23 asked a question and now here I am. Sorry.

24 THE COURT: That's why I hate asking these questions. And then the next
25 question I have is there anything about that that would affect your ability to be fair

1 and impartial to these parties?

2 PROSPECTIVE JUROR #044: I want to say no but I also would not think that
3 I would be responding like this. I want to think we were beyond it and above it and
4 educated. I don't know. I don't know that I wouldn't think about that through the
5 whole thing. I don't know. I can't say.

6 THE COURT: Okay. Well I can't tell you what to think about.

7 PROSPECTIVE JUROR #044: I know.

8 THE COURT: Okay. So, there's nothing --

9 PROSPECTIVE JUROR #044: I want to say going into no, but if I'm in the
10 middle of it I don't --

11 THE COURT: Okay. And let me tell you that's what I'm trying to avoid. I
12 don't want any members of the panel to get on the panel and then decide halfway
13 into the case I can't be fair; do you understand that?

14 PROSPECTIVE JUROR #044: I do.

15 THE COURT: Okay. So, I need someone --

16 PROSPECTIVE JUROR #044: I'm afraid I couldn't be.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR #044: I'm embarrassed. I'm embarrassed to say
19 that I couldn't be fair.

20 THE COURT: Okay. So, you're afraid you can't be fair? I feel terrible. I really
21 do apologize. Who is it you think you can't be fair to?

22 PROSPECTIVE JUROR #044: Well the Defendant.

23 THE COURT: Okay. Because of the allegations?

24 PROSPECTIVE JUROR #044: Mm-hmm.

25 THE COURT: You just really think it's too overwhelming that you might not be

1 able to be fair?

2 PROSPECTIVE JUROR #044: Yes, that's correct.

3 THE COURT: Okay. Does the State want to follow-up at all?

4 MS. LUZAICH: No, Judge, we're satisfied.

5 THE COURT: Do you want to follow-up at all?

6 MS. ALLEN: No, Your Honor.

7 THE COURT: Okay. Do you have anything back at your chair?

8 PROSPECTIVE JUROR #044: Mm-hmm.

9 THE COURT: Okay. 'Cause what I'm going to do is ask you -- again, I
10 apologize. Do you want to stand here for a minute until you regain your
11 composure? We will.

12 PROSPECTIVE JUROR #044: I'm sorry.

13 THE COURT: That's okay. Just let me know when you're okay. You know
14 what we'll do. We'll take a break.

15 PROSPECTIVE JUROR #044: Okay.

16 THE COURT: And when we come back from the break, just don't sit back in
17 your seat because I'm going to replace you by putting another juror there.

18 PROSPECTIVE JUROR #044: Okay.

19 THE COURT: You okay with that?

20 PROSPECTIVE JUROR #044: I'm sorry.

21 THE COURT: That's okay. I just don't want you to have to turn around and
22 face everybody. Are you okay? Okay. We're going to take a break right now.
23 Okay. Did you guys need to say something to me?

24 MS. ALLEN: I was just going say something really quick but that's fine.

25 THE COURT: That's okay. I can excuse her. Are you okay to go back to

1 your seat?

2 PROSPECTIVE JUROR #044: Mm-hmm.

3 THE COURT: When we take a break, when you come in, don't sit in that
4 seat. Okay. Got it. Okay. Thank you, Ms. Hayes. Thank you very much for being
5 here.

6 MS. ALLEN: I was going to tell you this before I told you I've already had two
7 jurors come up and talk to me.

8 THE COURT: Shut up. You're kidding me.

9 MS. ALLEN: It happens all the time now.

10 THE COURT: You must be like -- have like this nice --

11 MS. ALLEN: Which I don't understand because they hate me.

12 THE COURT: They don't hate you.

13 MS. ALLEN: I'm totally kidding. So, if you just want to -- because they were
14 asking me questions and I'm doing all like --

15 THE COURT: You're doing the whole get away from me.

16 MS. ALLEN: Right, the song and dance. If you could just maybe give 'em
17 that we're not supposed to talk to you.

18 THE COURT: I'll tell 'em again.

19 MS. ALLEN: Thank you.

20 THE COURT: All right. And then obviously I'm going to --

21 MS. ALLEN: Yeah.

22 THE COURT: -- excuse Ms. Hayes.

23 [Bench conference -- concludes]

24 THE COURT: At this time, Ladies and gentlemen, we're going to take a
25 recess. Again, I want to remind you that when we're in recess the parties, the

1 attorneys, myself, the staff in Department 12 with the exception of the Court
2 marshal, are not permitted to have any communication with you whatsoever. So, if
3 you're out in the hallway and you see the attorneys and you try to talk to the
4 attorneys, they're not going to talk back to you. Again, please don't be offended
5 should they not talk back to you. They are just complying with the Court order not to
6 have any communication with any member of the jury panel at all. Does everybody
7 understand that? If there's any questions you need to ask, you ask the Court
8 marshal or you can ask me when Court is in session. We're going to take a 15
9 minute recess.

10 During this recess, you are admonished not to talk or converse
11 amongst yourselves or with anyone else on any subject connected with this trial or
12 read, watch or listen to any report of or commentary on the trial or any person
13 connected with this trial by any medium of information, including without limitation,
14 newspapers, television, the internet or radio or form or express any opinion on any
15 subject connected with this trial until the case is finally submitted to you. We'll be in
16 recess till 3:45. Thank you very much. You're excused.

17 [Recess taken at 3:28 p.m.]

18 [Proceedings resumed at 3:49 p.m.]

19 [Inside the presence of the prospective jury panel]

20 THE COURT: You can have a seat when you come in. Maria Boulton.
21 You're going to be Juror number 20. If you'll come up and sit in that seat.

22 Ms. Boulton, have long have you lived in Clark County?

23 PROSPECTIVE JUROR #079: Two years.

24 THE COURT: Two years. Okay. Your education background.

25 PROSPECTIVE JUROR #079: I have a bachelors [indiscernible] medical

1 technology. I also went to grad school. Not able to do -- was my thesis dissertation
2 for microbiology.

3 THE COURT: Okay. So, you have almost a doctorate in microbiology?

4 PROSPECTIVE JUROR #079: Masters in microbiology.

5 THE COURT: Masters.

6 PROSPECTIVE JUROR #079: Yes.

7 THE COURT: Okay. What do you do for a living?

8 PROSPECTIVE JUROR #079: I worked at UMC. I'm the microbiology
9 laboratory supervisor.

10 THE COURT: Your marital status.

11 PROSPECTIVE JUROR #079: Married.

12 THE COURT: Is your husband employed?

13 PROSPECTIVE JUROR #079: Yes.

14 THE COURT: What does he do?

15 PROSPECTIVE JUROR #079: He's a physician assistant.

16 THE COURT: Do you have any children?

17 PROSPECTIVE JUROR #079: Yes.

18 THE COURT: How many?

19 PROSPECTIVE JUROR #079: Two.

20 THE COURT: Are they old enough to be employed?

21 PROSPECTIVE JUROR #079: No.

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

23 PROSPECTIVE JUROR #079: No.

24 THE COURT: Do you know of any reason why you could not be a completely
25 fair and impartial juror if you were selected to serve on this panel?

1 PROSPECTIVE JUROR #079: No.

2 THE COURT: Thank you.

3 PROSPECTIVE JUROR #079: You're welcome.

4 THE COURT: Thank you for being here.

5 Okay. I'm going to open it back up to the panel of 32 again and the
6 question pending is, have you or anyone close to you such as a family member or
7 friend ever been the victim of sexual assault, sexual abuse or domestic violence? Is
8 there anyone else that would like to -- okay. Over here. Your name and badge
9 number.

10 PROSPECTIVE JUROR #053: Millie Hiatt, number 63.

11 THE COURT: Okay. Go ahead.

12 PROSPECTIVE JUROR #053: When my son was 14 he was molested by a
13 camp counselor, and the camp counselor pled guilty and was sentenced to prison
14 for a certain of time. There were several boys involved in the molestation and my
15 son was listed as one of those that -- that the person molested.

16 THE COURT: Okay. So, your son disclosed it to you?

17 PROSPECTIVE JUROR #053: No; the police came to my door to tell me. My
18 son did not remember it. He said he was sleeping. The person who did it said my
19 son was sleeping when he did this, and my son does not remember it.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR #053: But he -- we did not have to testify or anything
22 because he did admit to it, the person admitted to it.

23 THE COURT: Anything about that experience that would affect your ability to
24 be fair and impartial in this case?

25 PROSPECTIVE JUROR #053: No.

1 THE COURT: Thank you. Anyone else that wishes to respond? Remember,
2 if you're not in the 32 you don't need to respond right now. No, you're in the 32.
3 You're in the box. Go ahead. Your name and badge number.

4 PROSPECTIVE JUROR #046: Robert Bell, number 46. In grade school, my
5 best friend and his sister were psychologically and physically abused by their
6 parents.

7 THE COURT: When you were in what, grade school?

8 PROSPECTIVE JUROR #046: When I was in grade school. When I turned
9 13, his father committed suicide and his mother was institutionalized and my mother
10 adopted them.

11 THE COURT: Oh, so they're your siblings?

12 PROSPECTIVE JUROR #046: Yeah.

13 THE COURT: So, your best friend and his sister became your siblings?

14 PROSPECTIVE JUROR #046: Yes.

15 THE COURT: Okay. Go ahead. I'm sorry.

16 PROSPECTIVE JUROR #046: And then my brother and his ex-wife were
17 both addicts and their children were taken away from them because they were both
18 physically and psychologically abusive to 'em.

19 THE COURT: Okay. Anything about -- where are those children now?

20 PROSPECTIVE JUROR #046: My mom still has one of 'em because she
21 adopted -- she took custody of one and the other one is old enough to be on his
22 own.

23 THE COURT: Okay. So, she took custody of your best friend and his sister
24 and then also a grandchild?

25 PROSPECTIVE JUROR #046: Mm-hmm.

1 THE COURT: Okay. Anything about those experiences that would affect
2 your ability to be fair and impartial in this case?

3 PROSPECTIVE JUROR #046: No.

4 THE COURT: Thank you, sir. Anyone else that needs to respond to that
5 question? Okay. The record will reflect no further response from the panel.

6 Have you or anyone close to you such as a family member or friend
7 ever been accused of a crime? So, other than what's already been disclosed to us,
8 have you or anyone close to you such as a family member or friend ever been
9 accused of a crime. Okay. Go ahead, ma'am, in the checkered red shirt. Your
10 name and badge number.

11 PROSPECTIVE JUROR #037: Yvonne Lewis, number 37.

12 THE COURT: Go ahead, Ms. Lewis.

13 PROSPECTIVE JUROR #037: I was accused of trespassing and assault.

14 THE COURT: Okay. When did that happen?

15 PROSPECTIVE JUROR #037: When I was 17.

16 THE COURT: So, you were a minor?

17 PROSPECTIVE JUROR #037: Yeah, but I was tried as an adult.

18 THE COURT: For trespassing.

19 PROSPECTIVE JUROR #037: And assault.

20 THE COURT: Was that here in Clark County?

21 PROSPECTIVE JUROR #037: No, no, no, it was in Arizona.

22 THE COURT: All right.

23 PROSPECTIVE JUROR #037: Basically I beat someone up; I got arrested.
24 But the cop who arrested me --

25 THE COURT: More than assault. I mean, there's actually a battery?

1 PROSPECTIVE JUROR #037: I guess.

2 THE COURT: Do you remember really what you were charged with?

3 PROSPECTIVE JUROR #037: No. I just remember -- they kind of -- quick.
4 Okay. You assaulted somebody and you went on their property to do it and that's
5 why we're arresting you and that's why you got to go in front of a judge. I was a
6 Defendant, you know.

7 THE COURT: Okay. What happened?

8 PROSPECTIVE JUROR #037: Luckily the police officer that arrested me
9 knew why I did it and thought I had a pretty good reason to do it and actually had my
10 record expunged.

11 THE COURT: Okay. So, you don't have any convictions?

12 PROSPECTIVE JUROR #037: No.

13 THE COURT: All right. Anything about that experience that would affect your
14 ability to be fair and impartial?

15 PROSPECTIVE JUROR #037: No.

16 THE COURT: Okay. Thank you. And I think -- Ms. --

17 PROSPECTIVE JUROR #040: Kathleen Smith, number 40.

18 Back in the early '80s I was cited for petty theft. I was -- at the time --

19 THE COURT: When you say cited, did a police officer write out a citation?

20 PROSPECTIVE JUROR #040: Yes.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR #040: And I had to pay a fine and do community
23 service. At that time things were -- I was doing drugs. It was a bad time.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR #040: And then I had one other thing happen

1 recently with a situation with the father of my daughter's child.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR #040: And so I was charged with --

4 THE COURT: The father of your grandchild?

5 PROSPECTIVE JUROR #040: Right.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR #040: So, I was charged with battery for that.

8 THE COURT: Do you have a pending battery charge?

9 PROSPECTIVE JUROR #040: No, no, that was in 2012. So, I was cited for

10 that as well.

11 THE COURT: You got a citation?

12 PROSPECTIVE JUROR #040: Yes.

13 THE COURT: Did you have to go to Court?

14 PROSPECTIVE JUROR #040: Yes.

15 THE COURT: What happened?

16 PROSPECTIVE JUROR #040: Well yeah I did go to Court and I just pled

17 guilty to it and paid a fine.

18 THE COURT: Here in this courthouse?

19 PROSPECTIVE JUROR #040: North Las Vegas.

20 THE COURT: North Las Vegas as well?

21 PROSPECTIVE JUROR #040: Yes.

22 THE COURT: So, you pled guilty to battery?

23 PROSPECTIVE JUROR #040: Yes.

24 THE COURT: Paid a fine?

25 PROSPECTIVE JUROR #040: Yes.

1 THE COURT: And what else?

2 PROSPECTIVE JUROR #040: And then it was dismissed.

3 THE COURT: Okay. Anything about those two experiences that would affect
4 your ability to be fair and impartial in this case?

5 PROSPECTIVE JUROR #040: No.

6 THE COURT: Okay. Thank you. Anyone else? Have you or anyone close
7 to you such as a family member or friend ever been accused of a crime? Ms.
8 StClair, Melinda St.Clair, Badge number 14. Go ahead.

9 PROSPECTIVE JUROR #014: My stepson got arrested for assault with a
10 knife.

11 THE COURT: All right. And where was that?

12 PROSPECTIVE JUROR #014: In Clark County.

13 THE COURT: Here in Clark County. What happened as a result of that?

14 PROSPECTIVE JUROR #014: He did some time in juvenile hall.

15 THE COURT: He was a minor?

16 PROSPECTIVE JUROR #014: Yes.

17 THE COURT: All right. I don't need to get into minor things.

18 PROSPECTIVE JUROR #014: Okay.

19 THE COURT: He was a minor. It was resolved in juvenile court?

20 PROSPECTIVE JUROR #014: Yes.

21 THE COURT: Did you accompany him as the parent?

22 PROSPECTIVE JUROR #014: Yes.

23 THE COURT: Okay. Anything about that experience that would affect your
24 ability to be fair and impartial in this case?

25 PROSPECTIVE JUROR #014: No.

1 THE COURT: Do you think he was treated fairly?
2 PROSPECTIVE JUROR #014: Yes.
3 THE COURT: Okay. Thank you.
4 PROSPECTIVE JUROR #014: He got in some more trouble back in Georgia
5 also.
6 THE COURT: As a minor or as in an adult?
7 PROSPECTIVE JUROR #014: As an adult.
8 THE COURT: Okay. And what was that?
9 PROSPECTIVE JUROR #014: I didn't go to Court with him or anything like
10 that. He's on probation still.
11 THE COURT: For?
12 PROSPECTIVE JUROR #014: He was running from the police and ended up
13 in some kid's bedroom.
14 THE COURT: Okay. Ended up in someone's house in their bedroom?
15 PROSPECTIVE JUROR #014: In a child's bedroom and he did not know the
16 people that lived there.
17 THE COURT: Okay. But do you know what he was charged with?
18 PROSPECTIVE JUROR #014: No; but it doesn't sound good.
19 THE COURT: Okay. And you believe he's on probation?
20 PROSPECTIVE JUROR #014: Yes.
21 THE COURT: Anything about that that would affect your ability to be fair and
22 impartial in this particular case?
23 PROSPECTIVE JUROR #014: No.
24 THE COURT: Okay. Thank you.
25 PROSPECTIVE JUROR #014: You're welcome.

1 THE COURT: Anyone else? Okay. The record will reflect no further
2 response from the panel.

3 Is there anyone on this panel who would have a tendency to give more
4 weight or credence or less weight or credence to the testimony of a police officer
5 simply because he or she is a police officer? Okay. The record will reflect no
6 response from the panel.

7 Is there anyone on this panel who believes they cannot wait until they
8 have heard all of the evidence and after being instructed on the law before they
9 reach the appropriate result in this case? Anyone who believes they cannot do
10 that? The record will reflect no further response from the panel.

11 At this time, I'm going to turn the panel over to the State of Nevada.

12 MS. LUZAICH: Good afternoon, Ladies and gentlemen.

13 I am also going to apologize in advance. As the Court had indicated,
14 what we want to do is get a panel of jurors that are going to be fair and impartial to
15 both sides, and unfortunately the only way we can do that is by asking questions
16 that are very personal in nature. I always end either upsetting or distressing
17 somebody so I apologize in advance because it is absolutely not my intent to upset
18 or distress anybody. We just really want to make sure that everybody here can be
19 fair to both sides. So, I do apologize.

20 This is kind of a participation thing. We all need to talk to you. So, just
21 so you know when I ask questions, if somebody doesn't want to volunteer and
22 participate I will seek out volunteers, just so everybody knows in advance.

23 So, that being said, is there anybody here that would disagree with me,
24 who would disagree with me when I say a woman has an absolute right to say no to
25 a man's sexual advances? Anybody disagree? Okay. Everybody's looking at me

1 blankly. Does anybody here think that a woman at some point gives up that right?
2 Does anybody think that a woman at some point gives up that right? Does anybody
3 think that no means convince me? Okay. I'm glad we're all on the same page here.

4 Now when I talk about a woman, what about a child. Does that change
5 for anybody when we start talking about a child? When I say child I mean
6 somebody under 18. I don't necessarily mean somebody that's five or six. Does
7 that change at all for somebody who is under 18? Now people are starting to nod
8 their heads in a negative way.

9 Who here thinks that a child has the same ability to say no that an adult
10 does? Does anybody think a child has the same ability? Nobody does. Okay. Why
11 not? Why does a child not therefore have the same ability to say no than an adult
12 would? Remember what I said about no --

13 THE COURT: I'm so happy you all are paying attention. Thank you so much.
14 But, again, if you're not in the 32, you don't have to respond. And I really do
15 appreciate you paying such close attention.

16 MS. LUZAICH: Okay. Ms. Mandel, you started talking. Why might a child not
17 have the same ability?

18 PROSPECTIVE JUROR #041: Respectability. They're respecting an
19 authority figure which in this case would be the adult. They don't have the life
20 experience to recognize that something is perhaps happening that shouldn't or feels
21 uncomfortable until after it's happened.

22 MS. LUZAICH: Okay. Do you think that that is something that you would take
23 into consideration when you're evaluating witness testimony in a trial?

24 PROSPECTIVE JUROR #041: Meaning if a child was testifying?

25 MS. LUZAICH: Um-hm.

1 PROSPECTIVE JUROR #041: Well I would take at point blank that it's the
2 individual testifying. You mean that they don't have life experience in understanding
3 the question that's being asked?

4 MS. LUZAICH: No, no. When they're talking about what occurred are you
5 going to take into account the fact that they don't have the same life experience that
6 you or I might?

7 PROSPECTIVE JUROR #041: No; they have their life experience and
8 certainly if they're relaying a story I don't think it's a fable at that point.

9 MS. LUZAICH: Okay. Thank you. Miss -- what about you? Do you think a
10 child has the same ability to say no as an adult?

11 PROSPECTIVE JUROR #040: I don't think so.

12 MS. LUZAICH: Why not?

13 PROSPECTIVE JUROR #040: I don't think they really have any
14 comprehension depending on the age or they're not understanding what's going on.
15 They're just kind of like in a -- like unconscious state just like -- not, you know,
16 unconscious but just not aware.

17 MS. LUZAICH: Okay. When you say depending on the age, is it a
18 chronological thing or is it --

19 PROSPECTIVE JUROR #040: There again, because I can't fully understand
20 it. So, I mean -- all I can say is that under 18, I just don't think they understand
21 what's going on.

22 MS. LUZAICH: Okay. Thank you. Mr. Lambert, behind you. What do think?

23 PROSPECTIVE JUROR #025: I think a child can say no but I think that it
24 would easier not to. I think depending on their experiences it's going to vary from
25 one child to another. I don't think that you can blanketly say every child definitely

1 could or could not say yes or no to anything.

2 MS. LUZAICH: You think all kids are different?

3 PROSPECTIVE JUROR #025: Yes.

4 MS. LUZAICH: What makes kids different?

5 PROSPECTIVE JUROR #025: Life experiences, the way they grow up, who
6 they grow up around, what they're doing, education, parenting. A lot of things affect
7 a child.

8 MS. LUZAICH: And does that affect how a child might appear when they
9 come in here and talk to you?

10 PROSPECTIVE JUROR #025: How they appear physically or their demeanor
11 or --

12 MS. LUZAICH: Demeanor.

13 PROSPECTIVE JUROR #025: Okay. Yeah, I think how they've been raised
14 and what they're -- the atmosphere they're used to or the, you know, the
15 environment, I'm sorry, that they're used to would affect how they would appear or
16 the way they would act.

17 MS. LUZAICH: Okay. Thank you. Mr. Allen, what do you think?

18 Is it hard for a child to say no?

19 PROSPECTIVE JUROR #028: I would think so.

20 MS. LUZAICH: Why?

21 PROSPECTIVE JUROR #028: Well because their experiences aren't that
22 great.

23 MS. LUZAICH: Okay. Are kids different? Are kids the same? What do you
24 think?

25 PROSPECTIVE JUROR #028: No; I think they're all different. They've grown

1 up a little different.

2 MS. LUZAICH: What makes them different?

3 PROSPECTIVE JUROR #028: Their experiences. How well their parents are
4 in raising them.

5 MS. LUZAICH: Okay. Do you think that there can be some really good
6 parents and some really bad parents?

7 PROSPECTIVE JUROR #028: Oh, yeah.

8 MS. LUZAICH: And then somewhere in between as well?

9 PROSPECTIVE JUROR #028: Yes.

10 MS. LUZAICH: And in your mind will that effect what kids appear like, how
11 their demeanor is and their attitudes and things of that nature?

12 PROSPECTIVE JUROR #028: I would definitely think so, yes.

13 MS. LUZAICH: What else could that effect the way their parents raise them
14 and treat them?

15 PROSPECTIVE JUROR #028: Their self esteem, I would think.

16 MS. LUZAICH: Thank you. Mr. Greenwood, what about you?

17 PROSPECTIVE JUROR #030: Pretty much what the others have said.
18 Everyone's made good points.

19 MS. LUZAICH: Okay. Nobody has -- is there idea? Oh, new ideas up front.
20 Ms. Randolph.

21 PROSPECTIVE JUROR #033: I think a lot of reasons kids have trouble
22 saying no to adults is one thing they be in fear of the adult. Another thing they have
23 a deep desire to please an adult and they may pressure them to agree to something
24 they might not necessary feel comfortable with.

25 MS. LUZAICH: Have you had experiences like that in your life or seen it

1 happen?

2 PROSPECTIVE JUROR #033: Well I've seen where I work at a rec center
3 and I've talked to kids in different situations.

4 MS. LUZAICH: The rec center that you work at --

5 PROSPECTIVE JUROR #033: Um-hm.

6 MS. LUZAICH: -- is it adults, kids or --

7 PROSPECTIVE JUROR #033: It's everybody. It's a county rec center.

8 MS. LUZAICH: What do you do at the rec center?

9 PROSPECTIVE JUROR #033: I'm a program assistant so I work the front
10 desk.

11 MS. LUZAICH: At which center?

12 PROSPECTIVE JUROR #033: Walnut Rec Center.

13 MS. LUZAICH: Does any of the names that you heard mean anything to you?

14 PROSPECTIVE JUROR #033: Which names?

15 MS. LUZAICH: The kids.

16 PROSPECTIVE JUROR #033: Excuse me?

17 MS. LUZAICH: The kids.

18 PROSPECTIVE JUROR #033: No, I didn't recognize those kids at all.

19 MS. LUZAICH: Not at all.

20 PROSPECTIVE JUROR #033: No.

21 MS. LUZAICH: So, what do you see at the rec center with the kids that helps
22 you kind of give us insight into kids?

23 PROSPECTIVE JUROR #033: Well sometimes, you know, I've gotten into
24 conversations with kids and not really necessarily -- it's just a lot of peer pressure.
25 Kids, a lot of times they're followers, like older kids, look up to older kids in the same

1 dynamics I see with adults, kids and adults. They're trying to please their parents,
2 trying to please someone older, and a lot of times they're intimidated too to do things
3 they normally wouldn't do.

4 MS. LUZAICH: Are all these things that you'll take into consideration when
5 you're evaluating?

6 PROSPECTIVE JUROR #033: Most definitely, most definitely.

7 MS. LUZAICH: Okay. Thank you. Ms. Lewis, you wanted to share as well.

8 PROSPECTIVE JUROR #037: I was just going to say the same thing as she
9 did, that fear is a huge factor in wanting to please a parent or an older person that
10 you look up to.

11 MS. LUZAICH: Okay. Anybody else? Anything else? Any other comments?
12 Ms. StClair, all the way in the back.

13 PROSPECTIVE JUROR #014: We've always been told to respect our elders
14 and that's one thing we've always taught our kids to respect our elders. And
15 anybody that's older than you you look up to and you want to be like them and you
16 want to follow them. So, as a kid, you know, it's hard to say no, you know, when
17 you want to be like somebody else.

18 MS. LUZAICH: In addition to being harder to say no, do you think it's harder
19 for a child to disclose that they have been abused than an adult?

20 PROSPECTIVE JUROR #014: Yes; it's very hard for them.

21 MS. LUZAICH: Why is that?

22 PROSPECTIVE JUROR #014: Because a lot of times they've been told not
23 to of something you're ashamed of, you're embarrassed by, you know, and you don't
24 know who to trust anymore.

25 MS. LUZAICH: Okay. And are these all things that you would take into

1 consideration?

2 PROSPECTIVE JUROR #014: Yes.

3 MS. LUZAICH: Mr. Urquico, is that how you say it?

4 PROSPECTIVE JUROR #015: Urquico.

5 MS. LUZAICH: Urquico. I'm sorry. Nobody ever gets my name right. So, I try
6 so hard with other people. What do you think about that? Is it harder for a child to
7 disclose that they've been abused than for an adult?

8 PROSPECTIVE JUROR #015: Yes.

9 MS. LUZAICH: Why is that?

10 PROSPECTIVE JUROR #015: I don't think they really experience humility
11 yet.

12 MS. LUZAICH: They don't experience what?

13 PROSPECTIVE JUROR #015: Humility. And it's just more embarrassing just
14 to talk about something like that. It's just easier to keep it down inside for most kids.

15 MS. LUZAICH: Okay. Are there any other reasons that you can think of?

16 PROSPECTIVE JUROR #015: And just fear of adults.

17 MS. LUZAICH: And are these all things that you would take into
18 consideration when evaluating the testimony of witnesses?

19 PROSPECTIVE JUROR #015: Yes.

20 MS. LUZAICH: Thank you. Ms. Stephens, what about you?

21 PROSPECTIVE JUROR #032: Yes; I think it would be hard for -- I think it
22 would be hard for a kid to tell an adult or a stranger what had happened to them.

23 MS. LUZAICH: Because?

24 PROSPECTIVE JUROR #032: Because they would be -- well they would be
25 afraid. Maybe the adult wouldn't believe them or maybe the adult would tell the

1 other person involved and it would be worse for them. So, I don't think -- I think it
2 would be a very hard thing to come forward.

3 MS. LUZAICH: Okay. Thank you. Mr. Greenwood, do you agree with that?

4 PROSPECTIVE JUROR #033: Yes.

5 MS. LUZAICH: You want to add to that at all?

6 PROSPECTIVE JUROR #033: No.

7 MS. LUZAICH: How would you go about evaluating the testimony of kids that
8 you don't know?

9 PROSPECTIVE JUROR #033: Without the insight of not knowing the kids,
10 you just have to judge it on their believability and maybe you could just get a feeling
11 for, you know, their truthfulness or --

12 MS. LUZAICH: What if you don't just get a feeling? I mean, are there
13 anything that you might look at or look to in evaluating his testimony?

14 PROSPECTIVE JUROR #033: Not sure. Not sure how to answer.

15 MS. LUZAICH: Okay. So, let me ask you this. If an adult says one thing and
16 a kid says something else, are you going to automatically believe the adult simply
17 because they're an adult?

18 PROSPECTIVE JUROR #033: No.

19 MS. LUZAICH: Why?

20 PROSPECTIVE JUROR #033: There's two sides to every story and there's
21 two different viewpoints for what's happened. The adult could say it's this way and
22 the child could say it's this way and could possibly be somewhere in between. It
23 depends on who the action is going against.

24 MS. LUZAICH: Well you do think it depends by who the action
25 [indiscernible]?

1 PROSPECTIVE JUROR #033: Well if it's something for the kid, the kid might
2 say -- it's something that happened to the kid, the kid might say, oh, it happened just
3 like this, but if I'm the adult overlooking that I might see it in a different way.

4 MS. LUZAICH: Okay. Would you agree that different people can perceive
5 the same set of facts differently?

6 PROSPECTIVE JUROR #033: Yes.

7 MS. LUZAICH: Why?

8 PROSPECTIVE JUROR #033: You might not have all the information for --
9 you might not -- you might have as a witness come up and seen it as a different
10 way. You might not -- I don't how do I explain it -- you could have come up on it and
11 not seen the whole story what happened. I might have got here late and missed all
12 this that happened before this happened or whatever.

13 MS. LUZAICH: Would you agree that even, you know, five or ten seconds
14 can make a difference?

15 PROSPECTIVE JUROR #033: Yes.

16 MS. LUZAICH: Okay. Thank you. Mr. Geiger, what do you think?

17 PROSPECTIVE JUROR #012: My voice is gone.

18 MS. LUZAICH: Already. We haven't even started.

19 PROSPECTIVE JUROR #012: I've been thinking about. I mean, when you
20 talk from 18 down I'd have to say that each level of age would be a different -- I
21 mean, five to eight years old versus 15 to 18 can be a whole different set of
22 circumstances on what they seen and done, how they react to things, how they're
23 raised. If you're 15 to 18, are you're rebellious, are you more structured in your life.
24 So, you'd have to watch what you see with each person and make your judgment
25 based on their delivery, their comfort with what they're saying and not saying, and

1 you'd have to just watch and have a feel and listen to the questions and the answers
2 and make a decision from there. Younger children may not be able to tell you what
3 they had happen to them because they think they did something wrong. They don't
4 know for certain that something was right or wrong or they don't want to get
5 somebody in trouble for what they say may or may not be wrong. So, they're caught
6 in a situation where they don't know what to say and do.

7 MS. LUZAICH: In your mind, it is a chronological thing, like a numeric, five to
8 eight years, 15 to 18, or is it more of a an emotional thing?

9 PROSPECTIVE JUROR #012: I think your emotions go with your
10 chronological -- as you develop you -- how you develop is judges -- determines how
11 you react to things.

12 MS. LUZAICH: I guess maybe emotional is a bad word. Would you agree
13 that there are some five to eight year olds that could be smarter than some 11 to 12
14 year olds?

15 PROSPECTIVE JUROR #012: By far.

16 MS. LUZAICH: Are there some 15 to 18 year olds that are not quite as smart
17 or savvy as some ten year olds?

18 PROSPECTIVE JUROR #012: Yeah or vice versa or smarter than me. I
19 mean, I run into it with the nephews and nieces often.

20 MS. LUZAICH: But it's not necessarily a number thing.

21 PROSPECTIVE JUROR #012: No.

22 MS. LUZAICH: It's not the age. It's the ability. I guess that's a better word.

23 PROSPECTIVE JUROR #012: It is.

24 MS. LUZAICH: Is it the ability of the child that would make the difference to
25 you?

1 PROSPECTIVE JUROR #012: Yes. It's the individual and how he's raised;
2 how he's taught in school; what he's exposed to and not exposed to; how they are at
3 home, what they see and don't see; what television they see. It affects how they
4 think.

5 MS. LUZAICH: How about perception. Is a perception a big thing?

6 PROSPECTIVE JUROR #012: It's huge.

7 MS. LUZAICH: Different people perceive things differently.

8 PROSPECTIVE JUROR #012: It does, yes.

9 MS. LUZAICH: Thank you. Mr. Yowell.

10 PROSPECTIVE JUROR #011: Yes.

11 MS. LUZAICH: What about you? You agree different people can perceive
12 the same circumstances differently?

13 PROSPECTIVE JUROR #011: Absolutely I do.

14 MS. LUZAICH: For example, why?

15 PROSPECTIVE JUROR #011: Sometimes people have different opinions
16 when they come upon situations, I think. And everybody sees things differently just
17 by their experiences and stuff like that.

18 MS. LUZAICH: Is it also possible that when two different people view one set
19 of circumstances, different aspects of that circumstance could be important to one
20 but not the other?

21 PROSPECTIVE JUROR #011: Right; absolutely. They could have a totally
22 disagreement just by -- with the same facts, but because of the way they think or
23 their experiences it'll be a little different, different opinion, yeah.

24 MS. LUZAICH: Okay. For example, you and I watched two cars crash.
25 You're really concerned about that cool blue Mustang and I'm worried about the girl

1 in the pink dress.

2 PROSPECTIVE JUROR #011: Right.

3 MS. LUZAICH: And her dress got dirty. But different perspectives, different
4 things are important; would you agree?

5 PROSPECTIVE JUROR #011: Yes; absolutely.

6 MS. LUZAICH: And what might enter into that? I mean, I gave you the boy
7 girl description. What else might make different people think things or perceive
8 things differently?

9 PROSPECTIVE JUROR #011: I'm not sure. Just the way people -- people's
10 demeanor are, you know.

11 MS. LUZAICH: If something is happening to you but I'm watching it happen to
12 you, do you think what's important of those facts to you might be different than
13 what's important to me?

14 PROSPECTIVE JUROR #011: Yes.

15 MS. LUZAICH: Might you see something that I don't see and might I see
16 something that you don't see?

17 PROSPECTIVE JUROR #011: Right; absolutely.

18 MS. LUZAICH: I mean, that's unusual to you or out of the ordinary?

19 PROSPECTIVE JUROR #011: No, not at all.

20 MS. LUZAICH: Is that something that you might be able to take into
21 consideration when you evaluate testimony?

22 PROSPECTIVE JUROR #011: Yes; absolutely.

23 MS. LUZAICH: How might you evaluate the testimony of kids that you've
24 never met?

25 PROSPECTIVE JUROR #011: I would listen to how they were speaking and

1 see if how their memory is about the situation that happened and how they carry
2 themselves.

3 MS. LUZAICH: When you say how they carry themselves, by their body
4 language?

5 PROSPECTIVE JUROR #011: Yeah, like a body language, yeah, kind of.
6 I mean, there's so many things that go into fact, you know.

7 MS. LUZAICH: For example.

8 PROSPECTIVE JUROR #011: I guess I would probably if they were like were
9 being coerced or it's strictly from a memory or you know.

10 MS. LUZAICH: When you say if they're being coerced, like being made to
11 say something?

12 PROSPECTIVE JUROR #011: Yeah, yeah.

13 MS. LUZAICH: Or strictly from a memory -- you mean, somebody telling 'em
14 to say something or did it really happen?

15 PROSPECTIVE JUROR #011: Right, right.

16 MS. LUZAICH: You're not having fun; are you?

17 PROSPECTIVE JUROR #011: No.

18 MS. LUZAICH: Does it make you nervous when somebody puts you on the
19 spot like that?

20 PROSPECTIVE JUROR #011: Yeah, a little bit.

21 MS. LUZAICH: Do you think that when people come up here and are asked
22 questions and have to talk in front of a room full of strangers that they may be
23 nervous as well?

24 PROSPECTIVE JUROR #011: Yeah, they'll be nervous, yes.

25 MS. LUZAICH: Especially if they have to come talk about intimate sexual

1 details in front of a room full of strangers?

2 PROSPECTIVE JUROR #011: Absolutely, yeah.

3 MS. LUZAICH: Mr. Kamaunu, is that how you say it?

4 PROSPECTIVE JUROR #09: Kamaunu.

5 MS. LUZAICH: Kamaunu. What about you? You have several kids.

6 PROSPECTIVE JUROR #09: I have five.

7 MS. LUZAICH: What ages, age range.

8 PROSPECTIVE JUROR #09: Eighteen, 15, 13, 10 and 8.

9 MS. LUZAICH: Okay. So, you got 'em all. How do you deal with disputes
10 between your kids?

11 PROSPECTIVE JUROR #09: It's hard, man. I try to tell them to be quiet. I
12 got four girls.

13 MS. LUZAICH: Okay. One of the girls says she did it; the other girl says, no,
14 she did it, and the third one says, no, the other one did it. What do you do then?

15 PROSPECTIVE JUROR #09: It's hard because two of my girls is real sneaky
16 and one of 'em she's always pretty straight forward. So, I always believe the
17 straight forward one.

18 MS. LUZAICH: Okay. That makes sense. The sneaky ones, do they also
19 have kind of a motive or a bias as to why they might say what they do?

20 PROSPECTIVE JUROR #09: An excuse or --

21 MS. LUZAICH: Like do sometimes they say what they want because they
22 want to make themselves look better to you?

23 PROSPECTIVE JUROR #09: Yeah.

24 MS. LUZAICH: So, they say what they say because, you know, they want
25 tickets to the concert that's coming up.

1 PROSPECTIVE JUROR #09: Oh, my God. They do some crazy ones.
2 MS. LUZAICH: Okay.
3 PROSPECTIVE JUROR #09: They con me all the time.
4 MS. LUZAICH: So, sometimes do they say crazy things that just sound so
5 crazy and you later realize they're true?
6 PROSPECTIVE JUROR #09: No.
7 MS. LUZAICH: No? Really.
8 PROSPECTIVE JUROR #09: No.
9 MS. LUZAICH: You never heard the expression, you know, there's some
10 things that are so crazy you just can't make 'em up?
11 PROSPECTIVE JUROR #09: I'm Daddy so it's different. Like they just go
12 and I give in, you know what I mean. And then I really got to tell me crazy things,
13 you know.
14 MS. LUZAICH: Okay.
15 PROSPECTIVE JUROR #09: They just got to give me sad face and I'm like,
16 go get it.
17 MS. LUZAICH: What happens if somebody breaks mom's favorite
18 possession, whatever it is, how are you going to figure out which one did it when
19 she says she did and she says she did it?
20 PROSPECTIVE JUROR #09: They're all going to get punished.
21 MS. LUZAICH: Okay. What if you can't punish everybody? I mean, you got
22 to make a decision. For example, in Court you've got to make a decision.
23 PROSPECTIVE JUROR #09: I got to go by the facts and the evidence, you
24 know what I mean.
25 MS. LUZAICH: Okay. Are you going to look at what one person says and

1 see how it compares to what somebody else says?

2 PROSPECTIVE JUROR #09: Yeah.

3 MS. LUZAICH: When you say evidence, what do you mean by evidence? Is
4 it something that you hold in your hand?

5 PROSPECTIVE JUROR #09: Maybe it was like -- maybe this person had
6 debris of whatever they broke or something on their hand. Maybe they were
7 touching 'em or maybe they were the last one to touch it.

8 MS. LUZAICH: Okay. Would you agree that eye witness testimony can be
9 evidence?

10 PROSPECTIVE JUROR #09: Yes.

11 MS. LUZAICH: Okay. So, are you expecting to see anything here?

12 PROSPECTIVE JUROR #09: I don't know what you mean.

13 MS. LUZAICH: Okay. Well you heard what the charges are?

14 PROSPECTIVE JUROR #09: Yeah.

15 MS. LUZAICH: You heard that a lot of people are going to come in and
16 testify. They're going to talk to you about things that they saw and heard and
17 whatnot. Are you expecting to see anything in particular?

18 PROSPECTIVE JUROR #09: Yeah, I guess.

19 MS. LUZAICH: Like what?

20 PROSPECTIVE JUROR #09: Witnesses maybe.

21 MS. LUZAICH: Okay. We can do that. What if there's no evidence that you
22 can hold in your hand; is that going to be a problem for you?

23 PROSPECTIVE JUROR #09: Like I said, I got girls and they tell me all kinds
24 of stuff so it might be a problem, you know. I don't know.

25 MS. LUZAICH: Can you make a decision based on only things that you hear

1 as opposed to having to see and touch something --

2 PROSPECTIVE JUROR #09: Yeah.

3 MS. LUZAICH: -- to make a decision?

4 PROSPECTIVE JUROR #09: Yeah.

5 MS. LUZAICH: You can make a decision based on things that you just hear?

6 PROSPECTIVE JUROR #09: Yeah.

7 MS. LUZAICH: Okay. Thanks. Ms. Ross, you look like you were nodding
8 when you expecting to see something. Is there something that you're expecting to
9 see?

10 PROSPECTIVE JUROR #075: Oh, no, I wasn't nodding.

11 MS. LUZAICH: No.

12 PROSPECTIVE JUROR #075: No.

13 MS. LUZAICH: Okay. All right. Well since I have you. What do you think?
14 Is it harder for kids to disclose some kind of abuse, physical or sexual abuse, than it
15 would be for an adult in your mind?

16 PROSPECTIVE JUROR #075: Yeah. I think sometimes it is because they're
17 innocent and they trust their adults, they trust their parents or their -- people that are
18 older than them.

19 MS. LUZAICH: Okay. And when you are -- if you are sitting as a juror and
20 listening to the testimony and having to evaluate all of the witnesses, can you look at
21 and listen to a bunch of kids and evaluate their testimony objectively?

22 PROSPECTIVE JUROR #075: Yes. I get very emotional so it's hard for me
23 to hear that but -- yes, I believe I can.

24 MS. LUZAICH: I expect -- if you talked to a hundred thousand people, the
25 would all tell you that they would get emotional having to listen to that. But what we

1 want to know is can you listen to the testimony of kids and at least be objective and
2 listen to what they have to say?

3 PROSPECTIVE JUROR #075: Yes.

4 MS. LUZAICH: You won't automatically discount what they have to say just
5 'cause they're kids?

6 PROSPECTIVE JUROR #075: No, absolutely not.

7 MS. LUZAICH: And you would never automatically believe an adult over a
8 child simply because they're adults?

9 PROSPECTIVE JUROR #075: No, absolutely not, no.

10 MS. LUZAICH: Thank you. Mr. -- my handwriting is so bad. Mr. Newman,
11 what about you? Can you objectively evaluate the testimony of kids?

12 PROSPECTIVE JUROR #01: Yes, ma'am.

13 MS. LUZAICH: You won't automatically believe an adult over kids just
14 because they're kids?

15 PROSPECTIVE JUROR #01: No, ma'am.

16 MS. LUZAICH: You sat in a trial before?

17 PROSPECTIVE JUROR #01: Yes.

18 MS. LUZAICH: Similar charges?

19 PROSPECTIVE JUROR #01: Yes.

20 MS. LUZAICH: Kids testified.

21 PROSPECTIVE JUROR #01: Yes.

22 MS. LUZAICH: And were you able to do that? Were you able to listen to
23 what they had to say and take them at face value?

24 PROSPECTIVE JUROR #01: Yes.

25 MS. LUZAICH: How was that experience?

1 PROSPECTIVE JUROR #01: It was definitely a tough experience.
2 MS. LUZAICH: Something you thought about for a long time after?
3 PROSPECTIVE JUROR #01: Absolutely.
4 MS. LUZAICH: Is it something that you can do again?
5 PROSPECTIVE JUROR #01: Yes.
6 MS. LUZAICH: Okay. Thank you.
7 Ms. Stammetti.
8 PROSPECTIVE JUROR#20: Yes.
9 MS. LUZAICH: What about you? Is it harder for kids to disclose than for
10 adults any kind of abuse, physical abuse, sexual abuse?
11 PROSPECTIVE JUROR#20: I think so, yes.
12 MS. LUZAICH: Why?
13 PROSPECTIVE JUROR#20: I think depending on circumstances, they could
14 be scared of things getting worse; they could be scared of the outcome. Those
15 adults have really control of their lives. So, you know, I can see a kid wondering
16 whose going to believe them.
17 MS. LUZAICH: Do you think sometimes kids could feel pressure not to
18 disclose?
19 PROSPECTIVE JUROR#20: Yes.
20 MS. LUZAICH: Are there different kinds of pressure in your mind?
21 PROSPECTIVE JUROR#20: Probably. I mean, there would be a self-
22 imposed pressure. There could be pressure from outside sources.
23 MS. LUZAICH: When you say self-imposed, what do you mean?
24 PROSPECTIVE JUROR#20: Just bring it on themselves; feeling maybe guilty
25 or ashamed or did I do something wrong and putting pressure on themselves that

1 way.

2 MS. LUZAICH: Well what about worrying what other people would think?

3 PROSPECTIVE JUROR#20: Right; yes.

4 MS. LUZAICH: Will it get worse, things like that?

5 PROSPECTIVE JUROR#20: Yes.

6 MS. LUZAICH: Almost like a subtle threat, not an overt threat? Do you agree
7 that there is such a thing as subtle threat?

8 PROSPECTIVE JUROR#20: Yes, mm-hmm.

9 MS. LUZAICH: Are these all things that you could take into consideration
10 when you're evaluating the testimony?

11 PROSPECTIVE JUROR#20: Yes.

12 MS. LUZAICH: But you don't have kids?

13 PROSPECTIVE JUROR#20: I have two.

14 MS. LUZAICH: Oh, two. How old?

15 PROSPECTIVE JUROR#20: Seventeen and 13.

16 MS. LUZAICH: How do you deal with when your 17 and 13 year old
17 disagree?

18 PROSPECTIVE JUROR#20: Well my son can't lie very well and his sister's
19 always putting things over on him. She's sneaky and she'll coerce sometimes to try
20 to get her way. Depending on what it is, I'll just say you guys work it out. It's the
21 problem between the two of you. Sometimes I just might have to step in and make
22 a decision for them if it's not going so well.

23 MS. LUZAICH: And when it's your own kids sometimes it's easy to tell if
24 they're not being completely honest; right?

25 PROSPECTIVE JUROR#20: Yes.

1 MS. LUZAICH: Obviously these are not going to be your kids that are going
2 to testify. So, how are you going to try to make that determination?

3 PROSPECTIVE JUROR#20: I think their demeanor would come into play and
4 I'd probably would think about my kids and how they react to things. Sometimes
5 things may not quite make sense, you know. If the child's saying something -- my
6 son, for instance, swore that he was chasing the dog and the dog tripped and
7 knocked that hole in the wall. But he said [indiscernible] my hands like this but there
8 was a fist through the wall. So, it's like no, no, I think he's lying about that.
9 Sometimes things don't always quite make sense. You'd have to take that, I think,
10 into account too.

11 MS. LUZAICH: Okay. Thank you. Mr. Carlyn, what about you? Thoughts in
12 general about kids.

13 PROSPECTIVE JUROR#23: I think everyone has their own, you know, right
14 to say no, honestly. But I guess it depends on how you were raised, you know, how
15 good your parents were. Mine always told me, you know, if there's a problem go to
16 someone and that's what I do.

17 MS. LUZAICH: Okay. If you hear that the kids had a really horrible parent,
18 are you going to hold that against the kids?

19 PROSPECTIVE JUROR#23: No; but I'll definitely look at it differently.

20 MS. LUZAICH: Do you think that it is harder for a kid to disclose abuse than
21 for an adult?

22 PROSPECTIVE JUROR#23: Depends on how they were raised.

23 MS. LUZAICH: Okay. How they were raised and other things as well?

24 PROSPECTIVE JUROR#20: Mm-hmm. Like all the schools I went to, you
25 know, if there was a problem, just like I said, you go to someone and tell them, you

1 know. I don't like to keep secrets or anything like that.

2 MS. LUZAICH: Okay.

3 PROSPECTIVE JUROR#23: If something's happening like that why hold it
4 in? I mean, unless you're scared of your parents. I know if someone did that to me
5 I would definitely at least fight back.

6 MS. LUZAICH: Okay. Are you going to be able to objectively listen to what
7 the kids have to say?

8 PROSPECTIVE JUROR#23: Mm-hmm; yeah.

9 MS. LUZAICH: And are you going to look at it as well I wouldn't have done
10 what you did therefore you're lying and automatically disbelieve them?

11 PROSPECTIVE JUROR#23: No.

12 MS. LUZAICH: I mean, you won't impose your views --

13 PROSPECTIVE JUROR#23: Own opinion.

14 MS. LUZAICH: -- and standards and stuff on other people; will you?

15 PROSPECTIVE JUROR#23: No.

16 MS. LUZAICH: Just because people didn't act in a way that you would have
17 everything your sister might have or your girlfriend, you won't automatically
18 disbelieve what they have to say?

19 PROSPECTIVE JUROR#23: No.

20 MS. LUZAICH: Will you automatically believe an adult over a child simply
21 because they're an adult?

22 PROSPECTIVE JUROR#23: No.

23 MS. LUZAICH: Would you agree that different people can perceive the same
24 set of the circumstances --

25 PROSPECTIVE JUROR#23: Perceive. What do you mean?

1 MS. LUZAICH: I can go back to the -- you and I both watch a car accident
2 happen --

3 PROSPECTIVE JUROR#23: Oh, yeah.

4 MS. LUZAICH: -- I think the light was red, you think it's green. Clearly it
5 couldn't have been both, but what was I paying attention to and what were you
6 paying attention to? So, is it possible that one of us is wrong but not necessarily
7 lying?

8 PROSPECTIVE JUROR#23: Exactly; yep.

9 MS. LUZAICH: Is there a difference in your mind between lying and
10 mistaken?

11 PROSPECTIVE JUROR#23: Mm-hmm.

12 MS. LUZAICH: What's the difference?

13 PROSPECTIVE JUROR#23: Well lying, I believe, is when you're making up
14 something. When you mistake, I guess it's just like you said. You saw one thing but
15 you weren't really paying attention.

16 MS. LUZAICH: Okay. Can you tell the difference, like if somebody's talking to
17 you, can you tell the difference between whether they're lying or mistaken?

18 PROSPECTIVE JUROR#23: I guess you just have to watch how they react
19 to stuff. That's my best bet.

20 MS. LUZAICH: Okay. Is there a particular way in which somebody who
21 mistakes -- is mistaken reacts as opposed to the way somebody not does, in your
22 mind?

23 PROSPECTIVE JUROR#23: I'd have to see it, honestly.

24 MS. LUZAICH: Okay. Thank you. Ms. Haber, what about you?

25 PROSPECTIVE JUROR#24: To which question.

1 MS. LUZAICH: Oh, God, I know. I'm sorry. The whole time standing there.
2 Well first can you evaluate the testimony of kids objectively?

3 PROSPECTIVE JUROR#24: Yes, I think so. I have five kids so yeah.

4 MS. LUZAICH: What are your kids age ranges?

5 PROSPECTIVE JUROR#24: Twenty-three down to nine.

6 MS. LUZAICH: Okay. So, you've got some long range as well. You won't
7 automatically believe an adult over a child simply because they're an adult?

8 PROSPECTIVE JUROR#24: I would not.

9 MS. LUZAICH: When you are looking at the kids and what they have to say
10 to evaluate their testimony, what are some things that you're going to take into
11 consideration to determine what happened?

12 PROSPECTIVE JUROR#24: Body language; how well they recollect what,
13 you know, what they saying. It's really hard. Every kid's different and you don't
14 know those kids personally so --

15 MS. LUZAICH: Do you think that -- why do people talk about experience?
16 You think that's going to enter into it clearly, right, their life experiences?

17 PROSPECTIVE JUROR#24: Yes.

18 MS. LUZAICH: How they were raised?

19 PROSPECTIVE JUROR#24: Yes.

20 MS. LUZAICH: What about just straight out intelligence or lack of
21 intelligence?

22 PROSPECTIVE JUROR#24: Of course.

23 MS. LUZAICH: How might that affect the way you evaluate somebody?

24 PROSPECTIVE JUROR#24: I think it might affect it more actually because,
25 like I said, I have five kids. They've all been raised with the same mother, same

1 father, and they all have completely different personalities. So, when people say,
2 you know, the raising and all this other stuff I've been hearing here about that
3 determines how a kid is, not necessarily.

4 MS. LUZAICH: A little bit?

5 PROSPECTIVE JUROR#24: A little bit but not one hundred percent.
6 Definitely not.

7 MS. LUZAICH: Would you agree that of your five kids, one's going to be the
8 smartest, one's going the least smart, and the other ones are varying degrees in
9 between?

10 PROSPECTIVE JUROR#24: Yes.

11 MS. LUZAICH: Yeah, they may be close in range but they're not all going to
12 be the same?

13 PROSPECTIVE JUROR#24: Right.

14 MS. LUZAICH: So, is that something that you would take into consideration
15 when you're evaluating --

16 PROSPECTIVE JUROR#24: Yes.

17 MS. LUZAICH: Do you think that somebody who is smarter is going to be
18 able to keep themselves trouble free necessarily just because they're smart?

19 PROSPECTIVE JUROR#24: No.

20 MS. LUZAICH: Do you think that somebody that's not very smart will be able
21 to keep themselves trouble free because of that?

22 PROSPECTIVE JUROR#24: No.

23 MS. LUZAICH: Would you agree that just all kids are different?

24 PROSPECTIVE JUROR#24: Yes.

25 MS. LUZAICH: Do you think that -- well do you think that even kids, kids who

1 are raised together and raised in the same family perceive other things differently?

2 PROSPECTIVE JUROR#24: Sure they can.

3 MS. LUZAICH: So, if two different kids just in general look at a set of
4 circumstances they might not view it the same; would you agree with that?

5 PROSPECTIVE JUROR#24: Yes.

6 MS. LUZAICH: Therefore do you think they're going to necessarily recollect it
7 the same, remember it the same?

8 PROSPECTIVE JUROR#24: No, no.

9 MS. LUZAICH: Do you think that if an adult in the trial view a set of
10 circumstances they could perceive it differently?

11 PROSPECTIVE JUROR#24: Yes.

12 MS. LUZAICH: And therefore just remember it differently?

13 PROSPECTIVE JUROR#24: Yes, of course.

14 MS. LUZAICH: Does that mean that either one of them is necessarily lying?

15 PROSPECTIVE JUROR#24: No, not at all.

16 MS. LUZAICH: Why?

17 PROSPECTIVE JUROR#24: Well because like you say you -- they're
18 perceiving it differently so they're remembering it differently. It doesn't mean they're
19 lying. That's how they remembered it.

20 MS. LUZAICH: And is that something that in your mind is reasonable?

21 PROSPECTIVE JUROR#24: Sure.

22 MS. LUZAICH: Is that something that you could take into consideration when
23 evaluating witnesses?

24 PROSPECTIVE JUROR#24: Yes.

25 MS. LUZAICH: Mr. Lambert, what do you think about that?

1 PROSPECTIVE JUROR#25: As far as --

2 MS. LUZAICH: I know. I got to way better in my --

3 PROSPECTIVE JUROR#25: I was right there and then bam.

4 MS. LUZAICH: Well do you agree different people recollect things or see

5 things differently --

6 PROSPECTIVE JUROR#25: Absolutely; yes.

7 MS. LUZAICH: -- and they therefore remember differently?

8 PROSPECTIVE JUROR#25: Yes.

9 MS. LUZAICH: Therefore when two different people describe a set of events

10 for you, if they don't describe them the same, in your mind, does that mean that one

11 of them is necessarily lying?

12 PROSPECTIVE JUROR#25: No. Lying to me is basically an intentional act

13 and if you're mistaken it's not intentional that you just didn't remember it clearly or

14 you just didn't get all the details or whatever. So, that's for me a lie is an intentional

15 act of trying to deceive.

16 MS. LUZAICH: Okay. And do you think that because different people view

17 things differently, they can still appear to be telling the truth when they're not telling

18 the truth or telling a lie when they're not; does that make sense at all?

19 PROSPECTIVE JUROR#25: Kind of.

20 MS. LUZAICH: Lawyers just ask terrible questions. I mean, can you

21 necessarily tell whether it's a truth or a lie or a mistake?

22 PROSPECTIVE JUROR#25: I don't think you can absolutely tell, no. I mean,

23 you have to use some of your own objective thinking and kind of analyze as much

24 as you can. You know, as a parent, I don't always go face value on everything that

25 I'm told. I know that, you know, I have two children. One will say oh this and the

1 other one will say that. She really freaked out. The other one will be like well no it
2 really wasn't that bad. You just got to kind of figure out in the middle who's
3 exaggerating a little bit or whatever. A lot of it has to do with personalities, you
4 know, what you said. Raising kids you realize you see -- they're going to react and
5 see things differently even in the same situation.

6 MS. LUZAICH: Okay. Thank you. Mr. Allen, lie versus mistake. Do you
7 agree that different people who recollect things differently aren't necessarily lying.
8 They could be mistaken.

9 PROSPECTIVE JUROR#28: It's possible.

10 MS. LUZAICH: But in your mind it is possible?

11 PROSPECTIVE JUROR#28: Yes.

12 MS. LUZAICH: And do you think that if an adult sees a set of circumstances
13 and a child sees the same they're going to necessarily perceive it the same?

14 PROSPECTIVE JUROR#28: No, not necessarily.

15 MS. LUZAICH: So, therefore if they relayed to you later they could be relate
16 different because neither one is necessarily lying?

17 PROSPECTIVE JUROR#28: Yes. I'm thinking in my mind I pretty much have
18 to see this real time to apply some logic to it to see if it all makes sense.

19 MS. LUZAICH: What do you mean?

20 PROSPECTIVE JUROR#28: It's hard to talk about this stuff without really
21 actually seeing the people and what -- their reactions are.

22 MS. LUZAICH: Absolutely. Okay. My bottom line question to you then is can
23 you listen to kids objectively?

24 PROSPECTIVE JUROR#28: Well I haven't been around kids for 40 years but
25 I guess so. My youngest is 29.

1 MS. LUZAICH: Okay. If kids get on the stand, are you automatically not
2 going to believe what they have to say just 'cause they're kids?

3 PROSPECTIVE JUROR#28: No; like I said, I'd have to see their body
4 language and see if it all makes sense.

5 MS. LUZAICH: Okay. You won't automatically believe an adult over child
6 and believe the adult?

7 PROSPECTIVE JUROR#28: Same thing. I don't think it would make a
8 difference.

9 MS. LUZAICH: Okay. Do you think that sometimes people have a reason for
10 telling you what they're telling you?

11 PROSPECTIVE JUROR#28: I think they always have a reason.

12 MS. LUZAICH: Okay. And if somebody is going to tell you a lie, do they have
13 reasons for it sometimes?

14 PROSPECTIVE JUROR#28: Could be.

15 MS. LUZAICH: What, for example?

16 PROSPECTIVE JUROR#28: Well they're scared or they just want it go away.
17 There's all kinds of reasons to lie.

18 MS. LUZAICH: Has anybody ever told you just what you wanted to hear just
19 so you'd stop asking them questions?

20 PROSPECTIVE JUROR#28: Yes, my wife.

21 MS. LUZAICH: Even though it wasn't necessarily true? Okay. And because
22 she did that you're not going to automatically disbelieve everything she tells you in
23 the future; are you?

24 PROSPECTIVE JUROR#28: Right; no.

25 MS. LUZAICH: But you'll remember that. Okay.

1 Mr. Greenwood, what about you. Lie versus mistake. Is it possible that
2 people have reason for not telling the truth?

3 PROSPECTIVE JUROR#30: Yes.

4 MS. LUZAICH: In your mind what might a reason be for not telling the truth?

5 PROSPECTIVE JUROR#30: Just pressure for a perceived reason maybe
6 that's important to them that's not important to somebody else. They think that they
7 have to lie.

8 MS. LUZAICH: Now clearly somebody can lie just because they're lying and
9 don't want to get in trouble, you would agree with that; right?

10 PROSPECTIVE JUROR#30: Correct.

11 MS. LUZAICH: But are there other reasons as well in your mind?

12 PROSPECTIVE JUROR#30: Sure.

13 MS. LUZAICH: If two people tell you something that they saw and it's very
14 different even though they saw the same thing, in your mind, were they necessarily
15 lying?

16 PROSPECTIVE JUROR#30: No; I think it is just interpreted what happened
17 differently.

18 MS. LUZAICH: Okay. Thank you.

19 Ms. Randolph, when you have the kids at the center, do you ever have
20 situations where they're kind of covering for each other but thinking that they're
21 helping each other?

22 PROSPECTIVE JUROR#33: Yes, that's happened before.

23 MS. LUZAICH: So, in your mind it's not reason for somebody telling you
24 something that you know isn't entirely true?

25 PROSPECTIVE JUROR#33: Yeah.

1 MS. LUZAICH: And how do you react to that?

2 PROSPECTIVE JUROR#33: Well I mainly work the front desk. So, I usually
3 just tell them to go to a staff member to handle that. I do, I do. I admit it. And a lot
4 of times the kids they don't want to lose their little group, their little clicks, and so
5 they'll cover up for each other to protect one kid. There's always a reason for lying
6 though. Always.

7 MS. LUZAICH: Does anybody ever come clean and say, okay, yeah, I lied?

8 PROSPECTIVE JUROR#33: Sometimes, yeah, because they can't hold
9 water. By the end of the week you know what happened.

10 MS. LUZAICH: Okay. Thank you.

11 Ms. Mandel, do you think it is embarrassing to have to talk about
12 intimate sexual details?

13 PROSPECTIVE JUROR#41: Absolutely.

14 MS. LUZAICH: Do you think it's embarrassing to come into a room full of
15 strangers and have to talk about intimate sexual details?

16 PROSPECTIVE JUROR#41: Absolutely.

17 MS. LUZAICH: Is that something that you would take into consideration?

18 PROSPECTIVE JUROR#41: I don't think this is anyone's natural
19 environment. So, I think adult or child coming in and having to talk about intimate
20 anything has got to be difficult. And watching it is just as difficult.

21 MS. LUZAICH: If somebody comes in here and talks about things of that
22 nature and they don't act in the same way that you might, is that going to have any
23 effect on you?

24 PROSPECTIVE JUROR#41: It would affect me in knowing that they are
25 being authentic. We wouldn't handle it in the same -- I mean, I don't think we would

1 -- any of us would handle it the same way and so they're being as authentic as they
2 can. So, I would not anticipate them or expect -- to have expectations to act the
3 same -- anybody to act the same way I would.

4 MS. LUZAICH: Okay. Thank you. Ms. Smith, what about yourself? People
5 come in here and act or react in a way that you don't think you might, are you going
6 to automatically disbelieve what they have to say?

7 PROSPECTIVE JUROR#41: No.

8 MS. LUZAICH: Would you agree that different people react differently to
9 certain circumstances?

10 PROSPECTIVE JUROR#41: Yes.

11 MS. LUZAICH: Have you ever seen anybody laugh at a funeral? It's not
12 appropriate but that's how they deal with pain?

13 PROSPECTIVE JUROR#41: I've never seen it personally.

14 MS. LUZAICH: Have you heard about then?

15 PROSPECTIVE JUROR#41: There was a movie about it.

16 MS. LUZAICH: But do you see what I mean?

17 PROSPECTIVE JUROR#41: Yes.

18 MS. LUZAICH: Different people react differently.

19 PROSPECTIVE JUROR#41: Yes.

20 MS. LUZAICH: So, they don't act the way you would that's okay?

21 PROSPECTIVE JUROR#41: Yeah, because, I mean, like when a person
22 dies sometimes they expect for a person to react a certain way with a lot of crying
23 and a lot of grief and some people will just grieve in their own way.

24 MS. LUZAICH: Okay. Thank you. You probably all thought that I forgot
25 about you. I have not. I promise. Guess what, Ms. Fried.

1 PROSPECTIVE JUROR#50: Do I have to stand?

2 MS. LUZAICH: No, no, you absolutely do not. All right. Ms. Fried, while
3 you're sitting down, what about you? You don't have kids?

4 PROSPECTIVE JUROR#50: No, no children.

5 MS. LUZAICH: Kids are going to come in here and testify. Can you evaluate
6 the testimony of kids the same as you would adult witnesses?

7 PROSPECTIVE JUROR#50: Yeah.

8 MS. LUZAICH: You wouldn't automatically believe an adult over a child
9 simply because they're an adult?

10 PROSPECTIVE JUROR#50: No.

11 MS. LUZAICH: Do you think that kids sometimes have a way of explaining
12 things that may not make sense to you?

13 PROSPECTIVE JUROR#50: Well yeah. I mean, I think everybody has their
14 own way of explaining any experience that they have that may not make sense to
15 anybody.

16 MS. LUZAICH: And you won't automatically disbelieve 'em --

17 PROSPECTIVE JUROR#50: No.

18 MS. LUZAICH: -- just because of that?

19 PROSPECTIVE JUROR#50: No.

20 MS. LUZAICH: Do you think that it is harder for a child to disclose abuse than
21 for an adult?

22 PROSPECTIVE JUROR#50: Yes; I think it's hard for both parties but more so
23 for a child.

24 MS. LUZAICH: Okay. Why would it be hard in your mind for an adult?

25 PROSPECTIVE JUROR#50: Well because it's an embarrassing humiliating

1 situation and, you know, it's just -- it depends on the person I think. If you're, you
2 know, an introvert and you internalize things that happen to you you're just going to
3 back it on down and you're not going to say anything. But if you're, you know, more
4 outspoken and more comfortable you might tell other -- you know, you will tell other
5 people.

6 MS. LUZAICH: Do you think it's necessarily somebody who's outspoken or
7 comfortable that would tell?

8 PROSPECTIVE JUROR#50: Well no, no.

9 MS. LUZAICH: It's possible that somebody that's outspoken and comfortable
10 might not tell?

11 PROSPECTIVE JUROR#50: Yeah. I mean, it really just depends. I really
12 think it's just from person to person. It really depends.

13 MS. LUZAICH: And can you keep an open mind when you hear from all the
14 witnesses?

15 PROSPECTIVE JUROR#50: Yeah.

16 MS. LUZAICH: Thank you. Mr. Bocage, did I get that right?

17 PROSPECTIVE JUROR#48: Yeah.

18 MS. LUZAICH: What do you think? Do you think that it is hard for a child to
19 disclose abuse?

20 PROSPECTIVE JUROR#48: I think that you would have to really focus -- if
21 I'm on the jury I'll be focusing on the child in total concentration on what that child is
22 saying, looking at his demeanor, looking at the expression, and I still think it would
23 be a thing that you, as an individual, would have to make up in your mind do you or
24 do you not believe that child.

25 MS. LUZAICH: Okay. Would you agree that all kids are different?

1 PROSPECTIVE JUROR#48: Absolutely.

2 MS. LUZAICH: Would you agree that all people are different?

3 PROSPECTIVE JUROR#48: Absolutely.

4 MS. LUZAICH: What makes kids different?

5 PROSPECTIVE JUROR#48: Again, I think it's -- they are violent that they

6 came up in. And also I think the juror should be able to understand that

7 environment also.

8 MS. LUZAICH: When you say understand that environment, what do you

9 mean?

10 PROSPECTIVE JUROR#48: Well say if you had a minority child and you're a

11 minority and you was living in that environment, I think you would have maybe a little

12 different perspective on that kind of bringing up say if he wasn't.

13 MS. LUZAICH: Well do you think that all similarly situated families raise their

14 kids this the same?

15 PROSPECTIVE JUROR#48: No.

16 MS. LUZAICH: Would you agree that pretty much all families raise their kids

17 differently?

18 PROSPECTIVE JUROR#48: Absolutely.

19 MS. LUZAICH: And if you don't agree with the way kids are being raised, is

20 that going to affect how you view those kids?

21 PROSPECTIVE JUROR#48: No.

22 MS. LUZAICH: Is that going to affect the way you view the parent?

23 PROSPECTIVE JUROR#48: No.

24 MS. LUZAICH: Not at all?

25 PROSPECTIVE JUROR#48: Well, yeah, I guess to an extent you would take

1 that in consideration.

2 MS. LUZAICH: Okay. I mean, are all of things that you would take into
3 consideration?

4 PROSPECTIVE JUROR#48: Absolutely.

5 MS. LUZAICH: Do you think that kids sometimes feel pressure to not disclose
6 abuse?

7 PROSPECTIVE JUROR#48: Sure.

8 MS. LUZAICH: What kinds of pressure might they feel?

9 PROSPECTIVE JUROR#48: It could be peer pressure, it could be family
10 pressure, it could be -- I think those three things I think would be the ones that I
11 would say.

12 MS. LUZAICH: Okay. Now you say family pressure. If the family doesn't
13 know about the abuse, how is the family pressuring? Is there some other kind of --

14 PROSPECTIVE JUROR#48: Well if they don't know about it of course they
15 cannot, you know, be involved. I would say more peer pressure a lot of times is
16 more than family pressure.

17 MS. LUZAICH: Do you think that kids might see things that adults don't see
18 or feel things that we as adults don't feel anymore?

19 PROSPECTIVE JUROR#48: Absolutely.

20 MS. LUZAICH: And all of these things that you would take into consideration?

21 PROSPECTIVE JUROR#48: Sure.

22 MS. LUZAICH: Thank you. Mr. Capitanio.

23 PROSPECTIVE JUROR#47: Yes.

24 MS. LUZAICH: What about you? You got a brand new baby.

25 PROSPECTIVE JUROR#47: Yeah.

1 MS. LUZAICH: You haven't had the ability or the opportunity, I expect, to
2 have to listen to a bunch of teenage kids. How are you going to view kids when they
3 come in and testify?

4 PROSPECTIVE JUROR#47: It's just based on -- it depends. Everyone's
5 different so it just depends; see how they are, see what they're like, and go from
6 there.

7 MS. LUZAICH: Okay. Well when you say how they are and what they're like,
8 are you expecting to see anything?

9 PROSPECTIVE JUROR#47: I don't know; yeah, some I'm sure some will be
10 emotional, some won't. So, every little factor can make a -- change your mind, you
11 know.

12 MS. LUZAICH: What if they're not emotional; is that going to matter to you?

13 PROSPECTIVE JUROR#47: It would -- it might. You never know.

14 MS. LUZAICH: How?

15 PROSPECTIVE JUROR#47: I don't know. Maybe they -- I don't know. It just
16 might not. You think they would be. So, maybe it's a perception you have and you
17 think they would be or wouldn't be, you know.

18 MS. LUZAICH: Okay. Well if people come in here and they act in a way that
19 you don't think that you would, are you going to automatically disbelieve them?

20 PROSPECTIVE JUROR#47: No, not disbelieve 'em, no. It depends.

21 MS. LUZAICH: What will you do?

22 PROSPECTIVE JUROR#47: I don't know. It depends. I can't tell you until I
23 hear it and see it, you know.

24 MS. LUZAICH: Okay. Will you listen with an open mind to everybody?

25 PROSPECTIVE JUROR#47: Yeah, always.

1 MS. LUZAICH: Do you think that kids sometimes do feel pressure to not
2 disclose things?

3 PROSPECTIVE JUROR#47: Definitely, yeah.

4 MS. LUZAICH: Like what kind of pressure?

5 PROSPECTIVE JUROR#47: Just -- well I'm not sure. I don't know.
6 Sometimes they might not even know something's wrong, you know, depending on
7 their maturity and stuff like that in those situations.

8 MS. LUZAICH: Okay. Thank you. Mr. Bell, can you think of reasons why a
9 kid might not disclose physical or sexual abuse?

10 PROSPECTIVE JUROR#46: They might not be sure if it was wrong. They
11 might not necessarily be -- they might be protecting the parent figure, whatever. I
12 mean, that is their stability and, you know, as opposed to a parent who is self-reliant
13 and the child needs the parental figure or somebody up above that. They just don't
14 feel alone and scared, and even though something's not right they might not know
15 exactly what it is.

16 MS. LUZAICH: Do you think -- well would you agree that all kids are
17 different?

18 PROSPECTIVE JUROR#47: Yeah.

19 MS. LUZAICH: Your kids are at different ranges; right?

20 PROSPECTIVE JUROR#47: Yeah.

21 MS. LUZAICH: Different ages. One is a smarter one, one's the not as smart
22 one, and the others are somewhere in between?

23 PROSPECTIVE JUROR#47: Yeah.

24 MS. LUZAICH: Do you think that if you hear from these kids and they act in a
25 way that you do not think that your kids would have, are you going to automatically

1 disbelieve the kid?

2 PROSPECTIVE JUROR#47: No.

3 MS. LUZAICH: You mentioned that your wife is involved or has a
4 management position in a church?

5 PROSPECTIVE JUROR#47: Uh-huh.

6 MS. LUZAICH: Do your kids also attend that church?

7 PROSPECTIVE JUROR#47: Yes.

8 MS. LUZAICH: Do you teach your kids on a regular basis about faith and
9 things like that?

10 PROSPECTIVE JUROR#47: Well actually we're both atheists, but the church
11 is -- it basically teaches all religions. She's equivalent of a Sunday school teacher
12 but teaches the basis of all religions.

13 MS. LUZAICH: Okay. Do you think that -- well if you listen to kids then
14 families don't -- aren't involved in that in any way, is that going to have any affect on
15 you?

16 PROSPECTIVE JUROR#47: No.

17 MS. LUZAICH: Would you agree that different people perceive the same set
18 of circumstances differently?

19 PROSPECTIVE JUROR#47: Yes.

20 MS. LUZAICH: And therefore they may recollect things differently?

21 PROSPECTIVE JUROR#47: Yes.

22 MS. LUZAICH: Mr. Torres.

23 PROSPECTIVE JUROR#45: Yes.

24 MS. LUZAICH: What do you think, kids? Is it harder to disclose?

25 PROSPECTIVE JUROR#45: Yes, definitely.

1 MS. LUZAICH: Can you think of reasons why a child might not disclose
2 abuse?

3 PROSPECTIVE JUROR#45: Fear of any repercussions. Maybe fear of, you
4 know, I think, inherent human fear is fear of the unknown. It's better to know what
5 you're up against then what might happen in the future of that stability or the
6 individual that's caring for you is taken away.

7 MS. LUZAICH: Okay. When you say repercussions, what kind of
8 repercussions?

9 PROSPECTIVE JUROR#45: Increase in the severity of maybe abuse; having
10 that parent, loved one or whoever you look up to maybe being incarcerated for a
11 period of time; being taken away from that parent or adult, things like that.

12 MS. LUZAICH: Do you think that it's possible for a child to be asked about it
13 and still deny it?

14 PROSPECTIVE JUROR#45: Yes.

15 MS. LUZAICH: Why might that happen?

16 PROSPECTIVE JUROR#45: I think it goes back to the point I made earlier
17 just wanting to maintain that stability in their lives and not want to give it up no
18 matter how bad the situation has gotten.

19 MS. LUZAICH: Okay. Do you think sometimes kids try to help each other but
20 it doesn't really turn out to help them?

21 PROSPECTIVE JUROR#45: Yes, I could see that happening.

22 MS. LUZAICH: Sometimes kids have good intentions --

23 PROSPECTIVE JUROR#45: Yes.

24 MS. LUZAICH: -- but it just doesn't turn out well?

25 PROSPECTIVE JUROR#45: Yes.

1 MS. LUZAICH: Do you think sometimes parents have good intentions and it
2 turns out even worse?

3 PROSPECTIVE JUROR#45: Yes.

4 MS. LUZAICH: Would you agree that sometimes there are great parents but
5 sometimes there are horrible parents?

6 PROSPECTIVE JUROR#45: Yes.

7 MS. LUZAICH: Are all of these things that you would take into consideration
8 when evaluating witnesses?

9 PROSPECTIVE JUROR#45: Yes.

10 MS. LUZAICH: Can you listen to kids and give them a fair chance?

11 PROSPECTIVE JUROR#45: Yes.

12 MS. LUZAICH: Thank you. Ms. Boulton.

13 PROSPECTIVE JUROR#79: Yes.

14 MS. LUZAICH: How are you?

15 PROSPECTIVE JUROR#79: I'm fine. Thank you.

16 MS. LUZAICH: You said that you have a son who sees Dr. Nwapa?

17 PROSPECTIVE JUROR#79: Yes.

18 MS. LUZAICH: And I'm sorry but for what?

19 PROSPECTIVE JUROR#79: Well I think it's more of like -- we moved all over
20 so we don't stay in one place. And then in 2009 my husband had a massive heart
21 attack which I would say he died twice but he's still alive now. So, I think it's like a
22 traumatic depression type thing.

23 MS. LUZAICH: How old is your son?

24 PROSPECTIVE JUROR#79: Fourteen. But he's doing well now and he's
25 past that stage. It's just -- we're an open family so if something bothers someone,

1 they really come up to you and open up.

2 MS. LUZAICH: Okay. Would you agree that not everybody has an open
3 family?

4 PROSPECTIVE JUROR#79: Yes.

5 MS. LUZAICH: Some families don't tell anyone anything?

6 PROSPECTIVE JUROR#79: Yes.

7 MS. LUZAICH: You said you move around a lot; how come?

8 PROSPECTIVE JUROR#79: Well I would say we are fortunate because of
9 my job and my husband's job; something comes up for us, it's an adventure. Prior
10 to coming here, we live in Anchorage, Alaska.

11 MS. LUZAICH: Oh, my. For how long?

12 PROSPECTIVE JUROR#79: Five years. And then prior to that, we live in
13 Honolulu for two years, and prior to that we live in Guam.

14 MS. LUZAICH: Definitely some great adventures.

15 PROSPECTIVE JUROR#79: So, for us they need us let's check it out, and
16 we are really grateful for the opportunity.

17 MS. LUZAICH: Has your son been able to like assimilate and make friends in
18 all the locations that he's been to?

19 PROSPECTIVE JUROR#79: Yes. Even his friend from pre-school in Guam
20 three years, when they were two years old. They're still good friends. They live in
21 Hawaii.

22 MS. LUZAICH: So, have you gotten to experience the different kids from
23 different locations?

24 PROSPECTIVE JUROR#79: Yes.

25 MS. LUZAICH: You know, his friends will come over to the house and hang

1 out and stuff?

2 PROSPECTIVE JUROR#79: Yes.

3 MS. LUZAICH: So, you would definitely agree like all kids are different?

4 PROSPECTIVE JUROR#79: Yes.

5 MS. LUZAICH: And kids from different locations are raised differently; would
6 you agree with that?

7 PROSPECTIVE JUROR#79: Yes; absolutely.

8 MS. LUZAICH: Is that sometime that you see -- you have seen on a regular
9 basis?

10 PROSPECTIVE JUROR#79: Yes, I do.

11 MS. LUZAICH: Do you think that it is hard for a child to disclose abuse?

12 PROSPECTIVE JUROR#79: I would say I don't think so. It depends on how
13 kids are brought up. It depends on the environment, like how the parents are, how
14 they were taught. Like for example, my kids, they know that they -- when they were
15 younger they have to keep their hands to themselves, it has to stay in their bodies
16 so when somebody touches them they say so. But when some kids that I know it's
17 like it's okay, like you hug or you reach out of some things.

18 So, I think it depends on how these kids are brought up. I know some
19 kids might have some fear that they have. It could be like from the family itself, it
20 could be from outside sources, but it's really hard to determine that until you actually
21 see that child.

22 MS. LUZAICH: Okay. So, when you see the child or children that are going
23 to come in here, what are some things that you will look at to evaluate them as
24 witnesses?

25 PROSPECTIVE JUROR#79: First I will listen to what they are saying and

1 then support system so I would say there might be some -- it could be like hearing
2 things, seeing things. And then with myself I try to like gather all the facts that are
3 presented before and then really come up to like different scenarios and situations
4 and put them all together and come up with like how I feel or my conclusion. I just
5 don't jump into this is what was said.

6 MS. LUZAICH: And so you're very analytical?

7 PROSPECTIVE JUROR#79: Yes. That's also a part -- the work that I do
8 presently.

9 MS. LUZAICH: Right, right. So, you won't automatically believe an adult over
10 a child simply because they're an adult?

11 PROSPECTIVE JUROR#79: No.

12 MS. LUZAICH: You'll listen to what everybody has to say before you make up
13 your mind?

14 PROSPECTIVE JUROR#79: Yes.

15 MS. LUZAICH: Thank you.

16 PROSPECTIVE JUROR#79: You're welcome.

17 MS. LUZAICH: Mr. Kordoban.

18 PROSPECTIVE JUROR#42: Yes.

19 MS. LUZAICH: Did I get that right?

20 PROSPECTIVE JUROR#42: You got it.

21 MS. LUZAICH: What do you think? It's been a while since you had small
22 kids. How will you evaluate the testimony of kids? Nobody's going to be small. I
23 don't mean misstate that, but younger. How might you evaluate the testimony of
24 kids that are going to testify?

25 PROSPECTIVE JUROR#42: A lot deals with the questions that are being

1 asked and how they're responding and the leads -- giving questions from the
2 attorneys too to give me a direction of the evidence, you know.

3 MS. LUZAICH: Is that because I'm asking horrible questions as the day goes
4 by?

5 PROSPECTIVE JUROR#42: It's 5 o'clock so it's been a long day.

6 THE COURT: Thank you. I know. Time flies. I was just going to wait till
7 you've stopped. I was going to stop you.

8 At this time, we're going to conclude for the evening. We're going to
9 start tomorrow morning at 10 o'clock. So, all of you need to be back tomorrow
10 morning at 10 o'clock. So, you don't panic, I'll give you an idea of how it's going to
11 go.

12 The State of Nevada has an opportunity to question the panel and then
13 the defense has an opportunity to question the panel. So, we're more than half way
14 done. So, I think tomorrow maybe by early afternoon, I hope, we will have a panel
15 or sooner.

16 So, again, you all need to return tomorrow morning at 10 o'clock.
17 Come directly to the 14th floor. The officer will meet you. Unless you are directed
18 otherwise, please remember you are to be here tomorrow morning at 10 o'clock.
19 Come directly to the 14th floor. When everyone is here, we will start. I just want to
20 remind you -- I think everyone has figured out -- we cannot start till every single
21 person is here. I also want to remind you that in the morning sometimes the
22 elevators are quite busy. So, please allow five to ten extra minutes to get up here
23 on the elevator.

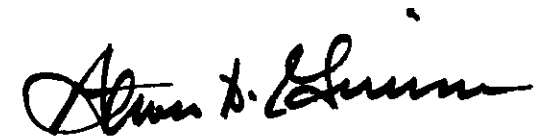
24 During this recess, you are admonished not to talk or converse
25 amongst yourselves or with anyone else on any subject connected with this trial or

1 read, watch or listen to any report of or commentary on the trial or any person
2 connected with this trial by any medium of information, including without limitation,
3 newspapers, television, the internet or radio or form or express any opinion on any
4 subject connected with this trial until the case is finally submitted to you. Thank you
5 very much for your courtesy. Again, I'll see you tomorrow morning at 10 o'clock.
6 You're excused.

7
8 [Jury Trial, Day 1, concluded at 5:03 p.m.]
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21 ATTEST: I do hereby certify that I have truly and correctly transcribed the
22 audio/video proceedings in the above-entitled case to the best of my ability.

23 
24 PATRICIA SLATTERY
25 Court Transcriber



CLERK OF THE COURT

1 **RTRAN**

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
7

8 THE STATE OF NEVADA,) CASE #: C291374
9)
10 Plaintiff,) DEPT. XII
11)
12 VS.)
13)
14 FREDERICK HARRIS, JR.)
Defendant.)

15 BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE
16 TUESDAY, MARCH 25, 2014

17 **RECORDER'S TRANSCRIPT OF PROCEEDINGS**
18 **JURY TRIAL, DAY 1, VOIR DIRE**

19 **APPEARANCES:**

20 For the State:

ELISSA LUZAICH, ESQ.
Chief Deputy District Attorney

21
22 KRISTINA A. RHOADES, ESQ.
Deputy District Attorney

23 For the Defendant:

BETSY ALLEN, ESQ.
JONATHAN E. MACARTHUR, ESQ.

24
25 RECORDED BY: KRISTINE CORNELIUS, COURT RECORDER

1 TUESDAY, MARCH 25, 2014 AT 10:56 A.M.

2
3 [Outside the presence of the prospective jury panel]

4 THE COURT: Okay. State of Nevada versus Frederick Harris, case
5 C291374. The Defendant is present. He's in custody. Will the attorneys please
6 make their appearances.

7 MS. LUZAICH: Good morning, Judge. Lisa Luzaich and Kristina Rhodes for
8 the State.

9 MS. ALLEN: And Betsy Allen and Jonathan MacArthur for Mr. Harris.

10 THE COURT: Okay.

11 MR. MACARTHUR: Madam Clerk, bar number 7072 for Jonathan MacArthur.

12 MS. ALLEN: Sorry. 6878.

13 THE COURT: Okay. And everyone has their jury list?

14 MS. ALLEN: Yes, we do. Thank you, Your Honor.

15 THE COURT: We're ready to bring the jury panel in. There's actually 56 that
16 are coming in now. We have 56 seats.

17 MS. LUZAICH: Judge, is it your intent to start tomorrow at 9 o'clock? I had
18 asked your chambers last week.

19 THE COURT: Right. Is that okay?

20 MS. ALLEN: Oh, you know what. It should be. Just a minute.

21 MS. LUZAICH: Okay. Wait. Is tomorrow Wednesday?

22 MS. ALLEN: It is.

23 THE COURT: Tomorrow's Wednesday.

24 MS. LUZAICH: I don't mean to be obnoxious. Can we get 10 o'clock? I have
25 a sentencing with speakers.

1 THE COURT: That's fine.

2 MS. ALLEN: And I have Judge Delaney at nine.

3 THE COURT: So, what by 10 o'clock; will that be good for everybody?

4 MS. ALLEN: I think you.

5 MS. LUZAICH: Is that all right? Thank you.

6 [Inside the presence of the prospective jury panel]

7 THE COURT: Thank you very much. You can have a seat.

8 Good morning, Ladies and gentlemen. Do I have a stipulation from the
9 parties as to the presence of the jury venire?

10 MS. LUZAICH: Yes, Judge.

11 MS. ALLEN: Yes, Your Honor.

12 THE COURT: Thank you. Good morning, Ladies and gentlemen. Welcome
13 to Department 12 of the Eighth Judicial Court. You've been summonsed here today
14 to serve as a jury panel in a criminal case entitled State of Nevada versus Frederick
15 Harris, case C291394.

16 Before I do allow both sides to give you a brief statement of the facts,
17 I'm going to introduce the members of the staff in Department 12 and give you a
18 brief description of what they do.

19 You have all met Officer Amani already. He's the court marshal in
20 Department 12. He is the person that you will have the most contact with.
21 Throughout this process of selecting a jury and after we do have a jury impaneled,
22 myself, the attorneys, the parties, and the staff in Department 12 with the exception
23 of the Court marshal are not permitted to have any communication with you
24 whatsoever outside of the courtroom. So, if there anything that you'd like to address
25 with the Court I ask that you please do it when we're in the courtroom on the record

1 in the presence of both parties.

2 In front of me is the Court Recorder. The Court Recorder is required to
3 take down everything that is being said and done in the courtroom. At some point
4 she'll be called upon by myself to prepare what we call a written transcript which
5 means that she will listen to everything that is said in the courtroom and she will type
6 down a verbatim transcript. So, if you're called upon to respond to the lawyers or to
7 the Court, I ask that you please state your name, the badge number that's been
8 provided to you by the jury commissioner before you do respond to the Court so that
9 we have a clear record of who is speaking at all times.

10 To my right is the Clerk of the Court, Susan. It's Susan's job to keep
11 the official record. She takes the minutes of the Court; she's also the person that
12 will take charge of all of the evidence when it's introduced at the time of trial.

13 To her right is Michael. Michael is a licensed attorney in the state of
14 Nevada. He's the law clerk in Department 12 and he assists the Court with legal
15 issues.

16 With that, I'm going to allow the State of Nevada to introduce
17 themselves. They're going to give you a brief statement of the facts. Both sides will
18 also have the opportunity to give you a list of the witnesses who will be called to
19 testify in this matter. I ask that you pay close attention to the names of the
20 witnesses because at some point I will ask you if you're familiar with any of the
21 witnesses who will be called to testify in this matter.

22 And before I move on, is there anyone that's having any trouble hearing
23 me? Okay. We have ear phones that kind of amplify my voice and the voice of
24 others. We can provide those to you and we'll do that now and you can tell me if
25 that helps. It usually does help. Is that better? Is that better, sir? You can both

1 hear me? Do you need me to start over and repeat what I said? Okay. So, at this
2 time I'm going to allow the State of Nevada to introduce themselves and they can
3 address the jury panel.

4 MS. RHOADES: Thank you, Your Honor.

5 Good afternoon. My name is Kristina Rhoades and this is Lisa Luzaich.
6 We represent the State of Nevada, and the State of Nevada in this case has brought
7 charges against the Defendant, Frederick Harris, by way of Information, and all an
8 Information is a piece of paper. To prove these charges to you over the course of
9 the next several days, we're going to be providing you with witness testimony and
10 potentially some evidence.

11 You will hear about the Defendant between August 2007 through
12 September 2012 being in a relationship with a woman named Lealer Ann Cooks.
13 The Defendant lived with Ms. Cook in a house at 966 Blankenship. Ms. Cooks had
14 guardianship over the five Duke Children. Their names are Taquanda, Taharah,
15 Shabazz, Mahlica, and Victoria. And during that time period they all lived in that
16 house at 966 Blankenship and also during that time period the Defendant physically
17 abused all five children. He is therefore charged with five counts of child abuse, one
18 for each of the Duke children.

19 You will also hear about the Defendant between October 1st 2010 and
20 September 26, 2012 in that same residence sexually abused Taharah Duke, which
21 is the second youngest of the Duke children. He is therefore charged with
22 numerous counts of sexual assault with a child under fourteen and lewdness with a
23 child under 14.

24 You will also hear about the Defendant sexually abusing the oldest of
25 the Duke children. Her name is Victoria Duke again. This abuse first occurred from

1 December 2005 to -- through May -- I'm sorry -- December 2004 through May of
2 2005 at a house on Trish Lane here in Las Vegas, Nevada. The sexual abuse also
3 occurred several times during August 2007 through December 2011 in various
4 locations including an apartment on Walnut Street here in Las Vegas, at that
5 residence at 966 Blankenship, at St. Andrews Club Apartments in North Las Vegas,
6 and at 1100 Center Street in Henderson. The Defendant is therefore charged with
7 numerous counts of first degree kidnapping, sexual assault with a child under 14,
8 lewdness with a child under 14, sexual assault with a child under 16, sexually
9 motivated coercion, administration of a drug to aid in the commission of a crime,
10 sexual assault and battery with intent to commit sexual assault.

11 You will further hear about the Defendant between August 2007 and
12 December 17, 2011 also being in a relationship with the Duke children's mother,
13 Tina Duke. The Defendant is charged with pandering, sexual assault, living from the
14 earnings of a prostitute, and battery by strangulation for abusing Tina Duke, forcing
15 her into prostitution, and taking her money from his prostitution.

16 In order to prove these charges to you, we will be calling some of the
17 following witnesses. We will not be calling all of them. We just want you to know all
18 of their names so that you can let us know if you know any of these people.

19 Henderson Police Detective Christopher Aguilar, Lealer Cook, a Custodian of
20 Records for the Clark County Detention Center, a Custodian of Records for Las
21 Vegas Metropolitan Police Department Communications and Records, Detective
22 Delacanal at the Henderson Police Department, Mahlica Duke, Shabazz Duke,
23 Taharah Duke, Taquanda Duke, Tina Duke, Victoria Duke. Craig Fabert, he is an
24 investigator with the Clark County District Attorney's office. Michele Fisher. She is
25 a forensic interviewer at the Children's Advocacy Center here in Las Vegas. Dr.

1 Nan Kufuor, she is a pediatrician. Detective Nicholas Matsen. He works with the
2 Las Vegas Metropolitan Police Department. Dr. Neha Mehta. She is a physician.
3 She worked at the Children's Advocacy Center. Dr. Jeff Melchert. He is a detective
4 with the Henderson Police Department. Sholeh Nourbakhsh. She works at
5 Department of Family Services and Child Protective Services. Devon Stokes. She
6 also works at Department of Family Services. Theresa Tibbs who works at
7 Department of Family Services. Cheryl Collie [phonetic]; Vassa Brockaman
8 [phonetic], and Virgil Clark who all work at Department of Family Services, and Rose
9 Smith is a family friend of the Duke children. Thank you.

10 THE COURT: Thank you. Ms. Allen.

11 MS. ALLEN: Yes, thank you. If I may just have one moment.

12 THE COURT: Of course.

13 MS. ALLEN: Thank you. I apologize.

14 Good morning. My name is Betsy Allen and I along with Jonathan
15 MacArthur, who's present, represent Mr. Frederick Harris. If you could stand up.
16 And as the State's stated correctly, there is an Information charging him with in fact
17 all those charges that they listed, however, this is just an Information which means
18 they are just charges.

19 In addition to any of the State's witnesses that they listed, which we
20 reserve the right to call, we do have some witnesses of our own. I'm going to list
21 them and give a little bit of a description just so you know. The first one is Shakira
22 Bailey, and that is Lealer Cook's -- I think you heard the State mention her name --
23 that's Lealer Cook's step-daughter. We have Kamilah Bywaters, Hernandez
24 Cooper, and Kenyoni House. And all three of those are individuals work for the
25 Clark County School District and they will be testifying -- they're testifying on behalf

1 of the Defense that in fact the children never told them those allegations. They
2 allege -- the children allege they told them these allegations. These three teachers
3 will tell you that that never happened. Custodian of Records from the Clark County
4 School District; Sharday Green, that's my client's step-daughter that he raised.
5 Dorothy Harris, which is his mother; Mary Harris is his ex-wife; Moses Harris is his
6 son; Dr. Anita Gondy who saw and treated two of the girls approximately about a
7 year and a half ago; Dr. Emmanuel Nwapa who is a psychiatrist who treated Victoria
8 for psychiatric issues. Any of the CPS records -- people that the State named,
9 Michele Fisher, Sholeh Noubakhsh, Devon Stokes, Bobbie Tibbs, Shelly Warbush.

10 In addition to that, the State -- I apologize -- the Defense will be calling
11 Michael Loving. He is actually a Metro officer who took a purported DV report from
12 Tina Dukes. And my investigator, Harris Mayo. He's a former Metro cop who now
13 works for Nevada Investigative Group.

14 We look forward to showing all of you that end up lucky enough to sit in
15 the box that Mr. Harris is not guilty as per his entry at the beginning of this case and
16 that in fact this was a simple revenge tactic on behalf of --

17 MS. LUZAICH: Objection; this is not opening statement.

18 THE COURT: Sustained.

19 MS. ALLEN: Thank you. I'm finished.

20 THE COURT: Thank you.

21 Okay. At this time, Ladies and gentlemen, the clerk is going to call the
22 roll of the panel of prospective jurors. When your name is called if you'd please say
23 present or here.

24 THE COURT CLERK: Thank you, Your Honor.

25 [The Court Clerk calls the roll of the prospective jurors]

1 THE COURT: Anyone whose name was not called by the Clerk of the Court?

2 The record will reflect no response from the panel. If you all will please stand
3 and raise your right hand so the clerk can administer the oath.

4 [The Court Clerk swore the prospective jury panel]

5 THE COURT: Thank you. You can have a seat.

6 We're about to commence what is called voir dire examination. The
7 term voir dire means to tell the truth. During this process, you'll be asked questions
8 bearing upon your ability to sit as fair and impartial jurors. To accomplish this result,
9 various questions will be asked of you by myself or counsel for the parties. On
10 occasion, some of these questions will seem somewhat personal. While we do not
11 wish to unnecessarily pry into your personal lives, the questions are necessary so
12 that counsel and the Court can make an intelligent determination as to your
13 capabilities to serve fairly and impartially. I want you to know that myself and the
14 attorneys and all other persons involved in this case are concerned with having this
15 matter tried by jurors who are completely open minded, neutral, objective, and
16 unbiased in their thinking. Wide discretion is vested in the trial judge to the method
17 of examination of jurors. As I stated previously, I will personally conduct the voir
18 dire, but I will give the attorneys the opportunity to participate in this questioning.

19 It is important that you know the significance of full, complete and
20 honest answers to all the questions we're about to ask you. I caution you not to try
21 to hide or withhold anything which might indicate bias or prejudice of any sort by any
22 of you. Should you fail to answer truthfully or if you hide or withhold anything
23 touching upon your qualifications that fact may tend to contaminate your verdict and
24 subject you to further inquiry even after you're discharged as jurors. Your decision
25 should be based upon all of the evidence presented during the trial and not based

1 upon any preconceived prejudice or bias. I will conduct a general voir dire
2 examination of all of you while you are seated in the audience. After those general
3 questions, the clerk will call the first 32 names using the order provided to us by the
4 jury commissioner to fill the jury box.

5 At some point during the process of selecting a jury, the attorneys
6 for both sides will have the right to ask that a particular person not serve as a juror.
7 These requests are called challenges. There are two types of challenges,
8 challenges for cause and peremptory challenges. A challenge for cause means that
9 as a juror has been excused because his or her answers to some of the voir dire
10 questions indicates that he or she would have a difficult time in giving a fair and
11 impartial hearing to the case. I will ask the attorneys to pass or waive the
12 prospective jurors for a cause challenge when they are done questioning the jury
13 panel. A preemptory challenge means that a juror can be excused from duty without
14 counsel having to give a reason for the excusal. Please do not be offended should
15 you be excused by either of the challenge procedures. They are simply a part of the
16 procedures designed to protect the rights of the parties under our system of
17 government. Again, if you wish to respond to a question individually and in the
18 affirmative, please raise your hand, state your name, and the badge number that's
19 been provided to you by the jury commissioner.

20 Is there anyone on the panel who has ever been convicted of a felony?
21 The record will reflect no response from the panel.

22 Is there anyone on the panel who is not a citizen of the United States?
23 The record will reflect no response from the panel.

24 Is there anyone on the panel who is not a citizen of Clark County,
25 Nevada? The record will reflect no response from the panel.

1 Is there anyone who has such a sympathy, prejudice or bias relating to
2 age, religion, race, gender or national origin that they feel would affect their ability to
3 be open-minded, fair and impartial jurors? The record will reflect no response from
4 the panel.

5 Are there any of you on the panel who are acquainted with the
6 Defendant in this matter? Okay. Your name and badge number.

7 PROSPECTIVE JUROR #01: Robert Newman, badge number 1.

8 THE COURT: You're familiar with Mr. Harris?

9 PROSPECTIVE JUROR #01: I am.

10 THE COURT: Okay. You know him?

11 PROSPECTIVE JUROR #01: Not personally, but I'm aware of him.

12 THE COURT: How?

13 PROSPECTIVE JUROR #01: Previous trial. I was the jury foreman.

14 MR. MCARTHUR: Your Honor --

15 THE COURT: Okay. Why don't you come down here and approach the
16 bench and I'll have both attorneys.

17 [Bench conference -- begins]

18 THE COURT: He's never had a prior trial?

19 MS. ALLEN: No.

20 THE COURT: Okay.

21 MS. ALLEN: Never. Of course.

22 THE COURT: All right. Mr. Newman, Badge number 1?

23 PROSPECTIVE JUROR #01: Yes.

24 THE COURT: You served as a juror before?

25 PROSPECTIVE JUROR #01: Jury foreman on his previous trial.

1 THE COURT: He's never been tried before, ever.

2 MS. ALLEN: Ever.

3 PROSPECTIVE JUROR #01: You were his attorney.

4 MS. ALLEN: No.

5 THE COURT: So, you recognize Ms. Allen?

6 PROSPECTIVE JUROR #01: Her and him. I recognize the names of the five

7 children.

8 THE COURT: I'm sorry. What?

9 PROSPECTIVE JUROR #01: I recognize the name of the five children as

10 well as you this morning.

11 THE COURT: Okay. When did you --

12 PROSPECTIVE JUROR #01: This was probably about four years back,

13 maybe five years back.

14 MS. ALLEN: What were the charges?

15 THE COURT: What were the charges?

16 PROSPECTIVE JUROR #01: Sexual abuse of children.

17 MS. ALLEN: Are you sure it wasn't Cecil Hall.

18 PROSPECTIVE JUROR #01: Uh --

19 MS. ALLEN: Bald guy, Cecil Hall.

20 PROSPECTIVE JUROR #01: I don't know if he's involved.

21 MS. ALLEN: He had four or five kids. It was in front of Judge Togliatti.

22 PROSPECTIVE JUROR #01: Togliatti.

23 MS. ALLEN: You guys acquitted him?

24 PROSPECTIVE JUROR #01: Yes.

25 MS. ALLEN: It's Cecil Hall.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR #01: It's not this guy. Okay.

3 THE COURT: All right. So you understand that's not this guy.

4 PROSPECTIVE JUROR #01: Okay. Sorry about that.

5 THE COURT: Okay. So, it kind of sounds like you recognize Ms. Allen?

6 PROSPECTIVE JUROR #01: Yes.

7 THE COURT: Okay. Anything about --

8 MS. ALLEN: I'm like --

9 PROSPECTIVE JUROR #01: Sorry.

10 THE COURT: Okay. I know we all just sort of panicked because -- all right.

11 He's never been tried -- he's never been in a jury trial before.

12 MS. ALLEN: Yeah, no, never.

13 THE COURT: Okay. So, you understand that?

14 PROSPECTIVE JUROR #01: Okay Yes.

15 THE COURT: So, you're thinking of somebody else?

16 PROSPECTIVE JUROR #01: Apparently, yes.

17 THE COURT: Okay. Anything about that that would affect your ability to be

18 fair and impartial in this case?

19 PROSPECTIVE JUROR #01: No.

20 THE COURT: Okay. So, we've clarified it enough for you?

21 PROSPECTIVE JUROR #01: Yes.

22 THE COURT: And you believe us that it wasn't him?

23 PROSPECTIVE JUROR #01: Yes.

24 THE COURT: Okay. And you can continue to sit on this panel?

25 PROSPECTIVE JUROR #01: Yes.

1 THE COURT: Okay. You can go back to your seat, but if I could have the
2 lawyers stay here. Thank you. Okay.

3 MS. ALLEN: Oh, my God.

4 THE COURT: I know. I don't even know what to say.

5 MS. ALLEN: Heart attack; I'm like what.

6 MR. MACARTHUR: I think we just inform the jury that he's never been tried
7 before.

8 THE COURT: Is everyone okay with me that saying that the juror was
9 mistaken?

10 MR. MACARTHUR: He recognized her not him.

11 THE COURT: Yeah.

12 MS. ALLEN: Yeah, that's fine.

13 THE COURT: Well now I get the next question. Does he recognize any of
14 the lawyers. We've already been through that.

15 MS. ALLEN: That was Taleen Pankdukt and [indiscernible]. That's fine.

16 THE COURT: Okay. Were you the prosecutor?

17 MS. ALLEN: No, it was Taleen. It was her case.

18 THE COURT: All right. So, everyone's okay with me just saying that the juror
19 recognized you but it clearly was not this --

20 MS. ALLEN: Correct.

21 THE COURT: -- it wasn't this particular person. It was another case.

22 MS. ALLEN: Yes, that's fine.

23 MS. LUZAICH: And admonish him not to talk about it to the other jurors. MR.

24 MR. MACARTHUR: That's fine.

25 THE COURT: Okay. Thank you.

1 [Bench conference -- concluded]

2 THE COURT: Okay. Ladies and gentlemen, Juror number 1, upon further
3 clarification up here, Juror number 1 recognize Ms. Allen as being an attorney in a
4 case that he had previously served as a juror before. So, is there anything about
5 what Juror number 1 would affect anybody's ability to be fair and impartial in this
6 particular case? Okay. And Mr. Newman, I'm just going to ask you not to discuss
7 anything that we discussed up here with your fellow jurors, and you understand that;
8 correct?

9 PROSPECTIVE JUROR #01: Yes, ma'am.

10 MR. MACARTHUR: Your Honor, if I may. At the bench there were two parts
11 to that. Permission to approach?

12 THE COURT: Sure.

13 [Bench conference -- begins]

14 MR. MACARTHUR: We don't want to dispel the perception that he may have
15 been tried before.

16 MS. ALLEN: Oh, yeah.

17 THE COURT: Okay.

18 MR. MACARTHUR: Because he's never been --

19 THE COURT: oh, okay. You don't think -- all right. That's fine.

20 MS. ALLEN: Yeah, because he's never been trial ever.

21 MR. MACARTHUR: This is his first felony charge.

22 THE COURT: Okay.

23 MS. ALLEN: No; it's not his first felony charge. He's never been tried.

24 MR. MACARTHUR: This is his first felony charge.

25 THE COURT: Well I don't want to --

1 MS. LUZAICH: No; it's not his first felony charge. He's never been to trial.
2 THE COURT: -- I just kind of --
3 MR. MACARTHUR: I'm unaware of this.
4 THE COURT: But I'm okay with me saying he's never been tried.
5 MS. ALLEN: He's never been tried --
6 MS. LUZAICH: He's never been tried to a jury.
7 MR. MACARTHUR: Okay.
8 MS. ALLEN: Thank you.
9 [Bench conference -- concluded]
10 THE COURT: Also I just want to make it clear that Mr. Harris has never been
11 tried to a jury for anything. So, clearly Mr. Newman just -- he recognized Ms. Allen
12 and that was the connection.
13 Okay. Are there -- anyone else that's acquainted with the Defendant in
14 this matter? The record will reflect no response from the panel.
15 Anyone familiar with the defense attorneys other than what you've told
16 us, Mr. Newman. Anyone else that's familiar with the defense attorneys? Okay.
17 Right here. Your name and badge number.
18 PROSPECTIVE JUROR#40: Kathleen Smith, Badge number 40.
19 THE COURT: And who are you familiar with?
20 PROSPECTIVE JUROR #40: Jonathan MacArthur.
21 THE COURT: Okay. And how do you know him?
22 PROSPECTIVE JUROR #40: I know him from when he was running for
23 Justice of the Peace and as well I work at the court house. I work at the information
24 desk so I know a lot of the attorneys that come to the courtroom.
25 THE COURT: Okay. Is there anything about that that would affect your ability

1 to be fair and impartial?

2 PROSPECTIVE JUROR #40: No.

3 THE COURT: Okay. Anything about the fact that you're an employee here in
4 the courthouse that would affect your ability to be fair and impartial?

5 PROSPECTIVE JUROR #40: No.

6 THE COURT: Okay. Thank you. Ms. Smith, do you know any of the other
7 attorneys?

8 PROSPECTIVE JUROR #40: I've seen her before, you know.

9 THE COURT: Okay. Do you mean Ms. Allen?

10 PROSPECTIVE JUROR #40: Yes.

11 THE COURT: Okay. And how about the prosecutors?

12 PROSPECTIVE JUROR #40: No, I don't recognize 'em.

13 THE COURT: Okay. All right. Thank you. Anyone else that's familiar with
14 the defense attorneys? The record will reflect no response from the panel.

15 MR. MACARTHUR: Your Honor, I'm sorry. What was the number
16 associated?

17 THE COURT: Forty. Okay. Are there any you who are acquainted with the
18 Deputy District Attorneys that have been assigned to prosecute this matter? Okay.
19 The record will reflect no response from the panel.

20 The District Attorney's office employs many deputies and other
21 personnel. Is there anyone on the panel who has such a close relationship with
22 either the District Attorney, Mr. Steve Wolfson, his deputies or other members of his
23 staff that you feel might affect your ability to serve as a fair and impartial juror in this
24 particular case? The record will reflect no response from the panel.

25 Are there any of you on the panel who are acquainted with any of the

1 witnesses whose names were previously mentioned by the Deputy District Attorney
2 or defense counsel? Okay. Go ahead, ma'am. State your name and badge
3 number.

4 PROSPECTIVE JUROR #32: Badge number 32.

5 THE COURT: Badge number 32, Helen Stephens.

6 PROSPECTIVE JUROR #32: Yes.

7 THE COURT: Do you mind standing up?

8 PROSPECTIVE JUROR #32: I'm familiar with Dr. Gondy.

9 THE COURT: Okay. How so?

10 PROSPECTIVE JUROR #32: I worked at University Medical Center in
11 department of surgery where I was working with her quite frequently.

12 THE COURT: I can hardly hear you. If you just hold it closer, I might be able
13 to hear you.

14 PROSPECTIVE JUROR #32: I worked at the department of surgery --

15 THE COURT: Okay.

16 PROSPECTIVE JUROR #32: -- at UMC and Dr. Gondy was there as a R-5,
17 resident five, just before she graduated. I was around her quite often. We're not
18 friends or anything, just work acquaintances.

19 THE COURT: Anything about that that would affect your ability to be fair and
20 impartial in this case?

21 PROSPECTIVE JUROR #32: No, I don't believe so, no.

22 THE COURT: Okay. Well you're the only one who can tell me. Is there
23 anything about the fact that you knew her would affect your ability to be fair and
24 impartial?

25 PROSPECTIVE JUROR #32: No, ma'am, no.

1 THE COURT: When was the last time you worked with her?

2 PROSPECTIVE JUROR #32: I've been retired seven years.

3 THE COURT: Okay. So, it's been at least seven years since you've seen

4 her?

5 PROSPECTIVE JUROR #32: Yes, yes.

6 THE COURT: Okay. Thank you. Thank you very much.

7 Anyone else who is familiar with any of the witnesses? Go ahead.

8 PROSPECTIVE JUROR #14: Melinda St. Clair, Juror number 14. I think one

9 of the CPS workers, Shelly. I can't remember her last name. I think she got

10 married. It was years ago though.

11 THE COURT: Okay. So, you think you know one of the CPS workers?

12 PROSPECTIVE JUROR #14: She was a case with my nephew.

13 THE COURT: Okay. What does that mean? Your nephew which would be --

14 PROSPECTIVE JUROR #14: I had custody of him and she was the worker

15 on the case.

16 THE COURT: She was your CPS worker?

17 PROSPECTIVE JUROR #14: No; she was his CPS worker.

18 THE COURT: Okay. But you said you have custody of him?

19 PROSPECTIVE JUROR #14: I had custody of him, yes.

20 THE COURT: So, there was an open case?

21 PROSPECTIVE JUROR #14: Yeah, and he was returned to his mother and

22 stuff. But I'm not sure it's the same Shelly. I can't her last name.

23 THE COURT: Okay. How long ago was this?

24 PROSPECTIVE JUROR #14: It was about seven years ago.

25 THE COURT: Anything about that that would affect your ability to be fair and

1 impartial?

2 PROSPECTIVE JUROR #14: No.

3 THE COURT: If it is the same Shelly and you recognize her and it's the same
4 one that was a CPS worker for your nephew, is there anything about your
5 experience with her that would affect your ability to be fair and impartial in this case?

6 PROSPECTIVE JUROR #14: No, no.

7 THE COURT: I mean, you don't even know if it's the same one?

8 PROSPECTIVE JUROR #14: I'm not sure.

9 THE COURT: Okay. Thank you.

10 PROSPECTIVE JUROR #14: You're welcome.

11 THE COURT: Anyone else? Okay. We have a juror in the back. Your name
12 and badge number, please.

13 PROSPECTIVE JUROR #79: Maria Boulton, Badge number 79.

14 THE COURT: Okay. Go ahead.

15 PROSPECTIVE JUROR #79: Dr. Nwapa. He's seeing my son for some
16 issues.

17 THE COURT: He's treated your son?

18 PROSPECTIVE JUROR #79: Yes.

19 THE COURT: Currently or past?

20 PROSPECTIVE JUROR #79: Currently.

21 THE COURT: Okay. So, your son is currently a patient of that doctor?

22 PROSPECTIVE JUROR #79: Yes.

23 THE COURT: All right. How often?

24 PROSPECTIVE JUROR #79: Like every six months.

25 THE COURT: Anything about that that would affect your ability to be fair and

1 impartial?

2 PROSPECTIVE JUROR #79: No.

3 THE COURT: Okay. And you know that you -- do you have any pending
4 appointments with this doctor?

5 PROSPECTIVE JUROR #79: I think next month, I believe, for my son.

6 THE COURT: So, next month?

7 PROSPECTIVE JUROR #79: Yes.

8 THE COURT: Is it within the next two weeks?

9 PROSPECTIVE JUROR #79: No.

10 THE COURT: All right. And how long has he treated your son?

11 PROSPECTIVE JUROR #79: I think about six months ago.

12 THE COURT: For the first time?

13 PROSPECTIVE JUROR #79: About twice.

14 THE COURT: So, you've been to see the doctor twice?

15 PROSPECTIVE JUROR #79: Yes.

16 THE COURT: Is your son a minor?

17 PROSPECTIVE JUROR #79: Yes.

18 THE COURT: So, you go in with your son?

19 PROSPECTIVE JUROR #79: Most of the time it's my husband. I just met
20 him once.

21 THE COURT: Okay. You've only met him one time?

22 PROSPECTIVE JUROR #79: Yes.

23 THE COURT: Anything about this relationship that would affect your ability to
24 be fair and impartial in this case?

25 PROSPECTIVE JUROR #79: No.

1 THE COURT: Okay. Thank you.

2 PROSPECTIVE JUROR #79: You're welcome.

3 THE COURT: Anyone else that's familiar with any of the witnesses who will
4 be called to testify in this matter? The record will reflect no further response from
5 the panel.

6 This case we do expect to last a couple weeks which means we expect
7 it to last through this week and then we expect it to probably go the full week next
8 week. And I know that that's -- I know everybody has busy schedules and you have
9 lives and I know that that's a lot to ask of people to be here for two weeks.

10 So, my next question is going to be, is there anyone that serving for that
11 amount of time would be such an undue hardship or burden on you such it would
12 make it impossible for you to be here? And let me tell you what the schedule will be
13 so you can think about it before you want to answer. Tomorrow we're starting at 10
14 o'clock and we'll go till five; Thursday we will be starting at 10:30 and go till five;
15 Friday will be generally 8:30 to five. And then on Mondays, Tuesdays and
16 Thursdays we will generally start at 10:30 unless I tell you otherwise and go to 5
17 o'clock. Wednesdays and Fridays are what I call more full days and I like to start at
18 8:30 with the exception of tomorrow. Tomorrow we'll be starting at 10 o'clock. So, I
19 can give you a general overview of what our schedule is. Unless I tell you
20 otherwise, that's what I -- that's the schedule I generally like to adhere to.

21 So, I'm going to start over here in the jury box. Is there anyone that
22 serving for that amount of time would be such an undue hardship such it would
23 make it impossible for you to be here? Okay. We'll start with Mr. Philips.

24 PROSPECTIVE JUROR #002: Chad Philips, Juror number 2. I umpire
25 baseball and I have a full schedule for the next two weeks and there's no possible

1 way I can get more than three days off.

2 THE COURT: Well what would happen if you're not there?

3 PROSPECTIVE JUROR #002: I won't be able to make any money and pay
4 my bills.

5 THE COURT: Okay. So, that's what I need to get to. Is that what you do for
6 a living, you umpire baseball games?

7 PROSPECTIVE JUROR #002: That's correct.

8 THE COURT: At what level?

9 PROSPECTIVE JUROR #002: High school and college.

10 THE COURT: So, you umpire for UNLV and CSN?

11 PROSPECTIVE JUROR #002: Lower level college.

12 THE COURT: Well what other teams we have in Vegas besides CSN and
13 UNLV?

14 PROSPECTIVE JUROR #002: The season hasn't started yet, I'm not exactly
15 sure, but as for high school --

16 THE COURT: Okay. But high school baseball going right now; right?

17 PROSPECTIVE JUROR #002: Yes, ma'am.

18 THE COURT: Okay. And so that's what you do for a living?

19 PROSPECTIVE JUROR #002: That's correct.

20 THE COURT: Okay. And if you were asked to be here for two weeks -- well
21 when do the games -- I guess high school games are in the afternoon; correct?

22 PROSPECTIVE JUROR #002: Three o'clock, yes.

23 THE COURT: Okay. They start right at three?

24 PROSPECTIVE JUROR #002: Yep.

25 THE COURT: Okay. So, why don't we get to -- you said you would -- if you

1 don't umpire you don't get paid?

2 PROSPECTIVE JUROR #002: That's correct.

3 THE COURT: Is that what you do full time?

4 PROSPECTIVE JUROR #002: That's right.

5 THE COURT: You don't have any other job?

6 PROSPECTIVE JUROR #002: No.

7 THE COURT: Okay. If you missed umpiring for the next couple weeks,
8 would you be able to meet your financial obligations?

9 PROSPECTIVE JUROR #002: No.

10 THE COURT: Are you married?

11 PROSPECTIVE JUROR #002: I'm engaged.

12 THE COURT: Okay. So, you're the only breadwinner in your home?

13 PROSPECTIVE JUROR #002: My fiancé makes very little money.

14 THE COURT: Okay. So, you live together?

15 PROSPECTIVE JUROR #002: Yes.

16 THE COURT: Okay. What does she do?

17 PROSPECTIVE JUROR #002: She works for Spirit Airlines.

18 THE COURT: Okay. But you don't believe you'd be able to meet your
19 financial obligations if you were required to be here?

20 PROSPECTIVE JUROR #002: I don't believe so. It would be very difficult.

21 THE COURT: How many games do you umpire a day? Is it every day?

22 PROSPECTIVE JUROR #002: Well this next couple weeks is the busiest
23 portion of the schedule and I have several out of town games which pay very good
24 because I get paid to travel.

25 THE COURT: Oh, so you actual travel out of town as well?

1 PROSPECTIVE JUROR #002: Yeah. And I've already had to take today and
2 tomorrow off so -- I mean, the schedule is already made through May -- through
3 April, I mean. I'm sorry.

4 THE COURT: Okay, sir. Thank you. Thank you for being here. Anyone else
5 in the box? You can just pass it on down. Ma'am, you in the red shirt. I like to kind
6 of go in order. So, do you want to respond to that question? I just like to go in order
7 It's easier for me to keep track.

8 PROSPECTIVE JUROR #007: I'm an independent contractor.

9 THE COURT: Name and badge number.

10 PROSPECTIVE JUROR #007: Oh, I'm sorry. Jeneen Miller.

11 THE COURT: Badge number 7.

12 PROSPECTIVE JUROR #007: Seven, yeah.

13 THE COURT: Okay. Go ahead.

14 PROSPECTIVE JUROR #007: I'm an independent contractor and if I don't
15 work I don't get paid.

16 THE COURT: What do you do?

17 PROSPECTIVE JUROR #007: I'm a massage therapist in a casino.

18 THE COURT: Okay. If you're -- when do you work? What are your hours?

19 PROSPECTIVE JUROR #007: Thursday, Friday, Saturday, Sunday and
20 Monday.

21 THE COURT: Okay. So, you'd only have to -- I mean, you understand we're
22 -- the courthouse is closed on the weekends.

23 PROSPECTIVE JUROR #007: Right.

24 THE COURT: Okay. Do you work during the day, at night?

25 PROSPECTIVE JUROR #007: On Friday I work during the day and I'm also

1 on call at Southern Highlands.

2 THE COURT: Okay. So, how would it affect you financially if you were asked
3 to be here during the day?

4 PROSPECTIVE JUROR #007: I'm the breadwinner of the family so it would
5 affect us.

6 THE COURT: All right. Would you able to pay your bills?

7 PROSPECTIVE JUROR #007: No; not for two weeks.

8 THE COURT: Okay. You would be unable to meet -- you won't be able to
9 pay your rent?

10 PROSPECTIVE JUROR #007: My mortgage.

11 THE COURT: Okay. Are you married?

12 PROSPECTIVE JUROR #007: I'm married.

13 THE COURT: Is your husband employed?

14 PROSPECTIVE JUROR #007: Yes; he's a massage therapist.

15 THE COURT: Okay. And without your income --

16 PROSPECTIVE JUROR #007: Right.

17 THE COURT: All right. But you said you're independent contractor. Do you
18 get paid a certain amount?

19 PROSPECTIVE JUROR #007: I only get paid per massage. So, if I don't
20 make any massages I do not get paid.

21 THE COURT: Okay. I understand that. But what I'm trying to get at, do you
22 know how much money you're going to make every week?

23 PROSPECTIVE JUROR #007: It's up and down, but it's pretty good. And if I
24 don't work I --

25 THE COURT: Okay. Let me ask you this. Do you have appointments the

1 next two weeks?

2 PROSPECTIVE JUROR #007: No. It's cold sales.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR #007: Except for the on call and Southern
5 Highlands.

6 THE COURT: All right. But you're telling me if you're required to be here you
7 won't be able to make your mortgage?

8 PROSPECTIVE JUROR #007: Exactly.

9 THE COURT: Okay. Thank you.

10 PROSPECTIVE JUROR #007: Thank you.

11 THE COURT: Go ahead.

12 PROSPECTIVE JUROR #008: Christina Quattrone, Juror number 8. I am a
13 journalism student at CSN full time. I have midterms coming up on Monday and I'm
14 also acting manager editor of a staff of 15 students. So, our next pieces are due on
15 the 2nd. So, I have to edit their grammar mechanics and everything. My editor in
16 chief she could help me, but most of the kids come to me.

17 THE COURT: I'm more concerned about your midterms.

18 PROSPECTIVE JUROR #008: Yeah.

19 THE COURT: When are you taking those?

20 PROSPECTIVE JUROR #008: On Monday and on Wednesday next week.

21 And I just accepted an internship for Disneyworld so I can't miss school or else that
22 internship could be in jeopardy.

23 THE COURT: Okay. Thank you. Anyone else on that back row? Anyone
24 else in the box? Go ahead. Ms. Sinclair, Badge number 14. St. Clair. I'm sorry.

25 PROSPECTIVE JUROR #014: Yes. Melinda St. Clair, Badge 14. I'm a

1 caretaker for my stepfather. He has chemo. He has appointments on Monday and
2 he has another one on Friday.

3 THE COURT: This Friday?

4 PROSPECTIVE JUROR #014: The 31st and then on the 4th.

5 THE COURT: So, is that next Friday?

6 PROSPECTIVE JUROR #014: Next Monday and next Friday.

7 THE COURT: Okay. What time on Monday?

8 PROSPECTIVE JUROR #014: I believe it's 11:30.

9 THE COURT: What if you can't take him?

10 PROSPECTIVE JUROR #014: It's a really important appointment.

11 THE COURT: I don't doubt it for a minute that it's important. Okay. I clearly
12 think that's important.

13 PROSPECTIVE JUROR #014: There's no one else to take him.

14 THE COURT: So, if you're not able to take him he misses his chemo
15 treatment?

16 PROSPECTIVE JUROR #014: My sister has to come from Utah to bring him.

17 THE COURT: Okay. Would you be able to make those accommodations if
18 you're required to be here?

19 PROSPECTIVE JUROR #014: I can if I have to but --

20 THE COURT: Okay.

21 PROSPECTIVE JUROR #014: -- he basically wants me to take him because
22 I have all the information.

23 THE COURT: Sure. I understand that. But if you are required to be here --

24 PROSPECTIVE JUROR #014: I could be here.

25 THE COURT: -- would you be able to make other arrangements?

1 PROSPECTIVE JUROR #014: I can make arrangements, yes.

2 THE COURT: Okay. Thank you. I appreciate you being here. Anyone else
3 in the box? Okay. I'm moving over to the left side. Anyone on this first row? Okay.
4 If you don't mind -- it's easier if you stand up so I can see you better.

5 PROSPECTIVE JUROR #029: Hello. My name is Cordero Gomez, Juror
6 number 29.

7 THE COURT: Good morning.

8 PROSPECTIVE JUROR #029: Good morning. I work at the DMV. I just got
9 that job. I'm still on probation. My days off are Tuesday and Wednesday so luckily
10 it fell on a day off. But I am married. I'm the sole breadwinner. My wife works part
11 time at UNLV and she's a full time student. I just graduated so I have student loans
12 coming up.

13 THE COURT: You work for the state of Nevada.

14 PROSPECTIVE JUROR #029: I work for the state of Nevada.

15 THE COURT: You get paid if you're here.

16 PROSPECTIVE JUROR #029: I do get paid if I'm here?

17 THE COURT: No, I'm asking you.

18 PROSPECTIVE JUROR #029: Oh. Sorry. No; it's still furlough and I don't
19 get annual until I've been there six months so I wouldn't get paid time off.

20 THE COURT: Okay. So, how would this affect you financially?

21 PROSPECTIVE JUROR #029: It would be pretty severe. I don't think I would
22 be able to make my rent such as it is.

23 THE COURT: Okay. And your wife doesn't work at all?

24 PROSPECTIVE JUROR #029: She works part time but it's student work at
25 HR at UNLV which isn't very much and very few hours, and we have two kids.

1 We're married and no support from grandma besides babysitting occasionally.

2 THE COURT: No support from who?

3 PROSPECTIVE JUROR #029: Grandma, my mother. So, like our extended

4 -- her parents and my parents they don't like give us any money or anything like that.

5 So, we're pretty independent.

6 THE COURT: Okay. That's a good thing; right?

7 PROSPECTIVE JUROR #029: Yeah, it's a great thing.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR #029: But for the record, I would love to do jury duty.

10 I just don't think that as of right now I would be financially able.

11 THE COURT: Okay. Thank you. I appreciate that, sir.

12 PROSPECTIVE JUROR #029: No problem.

13 THE COURT: Thank you for being here. If you can just pass it down to your

14 next fellow juror. Ms. Stephens, Badge number 32.

15 PROSPECTIVE JUROR #032: No, Valeria McIver, Badge 31.

16 THE COURT: Okay. I'm sorry. Go ahead.

17 PROSPECTIVE JUROR #031: I actually attend full time at UNLV.

18 THE COURT: You're a full time UNLV student?

19 PROSPECTIVE JUROR #031: Yes.

20 THE COURT: What are you studying?

21 PROSPECTIVE JUROR #031: Accounting.

22 THE COURT: Where are you in the semester?

23 PROSPECTIVE JUROR #031: What do you mean?

24 THE COURT: Would you be able to miss two weeks of school?

25 PROSPECTIVE JUROR #031: No; I have midterms next week.

1 THE COURT: Midterms next week. Okay. Of course I get a bunch of
2 students when midterms are due. Okay. What year are you in school?

3 PROSPECTIVE JUROR #031: It's my junior year.

4 THE COURT: All right. So, you have one more year till you --

5 PROSPECTIVE JUROR #031: For my bachelors.

6 THE COURT: So, are you taking pretty much 400 level -- is that what they
7 call 'em still?

8 PROSPECTIVE JUROR #031: Yes.

9 THE COURT: Okay. All right. Thank you. Thank you for being here.

10 Anyone else? On this first row, first row. Okay. We're going backward.

11 PROSPECTIVE JUROR #027: I'm Roselinda Daggett, 27. And my husband
12 had a barrage of tests last week. We go to the doctor Monday and he may have to
13 have surgery for -- on his heart, for his heart. So, I'm worried about that. I don't
14 know if I'd be able to be here and take care of him.

15 THE COURT: How severe are his health issues?

16 PROSPECTIVE JUROR #031: We don't know. We'll find out Monday when
17 we go to the doctor.

18 THE COURT: Why do you think he might have to have surgery?

19 PROSPECTIVE JUROR #031: Because the doctor said he has a heart
20 disease and that's why he put him through all these tests so that we can find out
21 how soon he has to go in, possibly next week.

22 THE COURT: Okay. Thank you. Anyone else? Over here on the first row
23 on the left. Okay. First row over here on the right.

24 PROSPECTIVE JUROR #034: Your Honor, my name is Patrick Hoover,
25 Badge number 34. My hardship is not financial but physical.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR #034: I'm a recovering cancer patient and as a side
3 effect of some of the treatments I've had have been very difficult for me to sit those
4 kind of hours. And even in a shorter trial, I require breaks very frequently.

5 THE COURT: Okay. Kind of tell what. Can you give me a little bit more?

6 PROSPECTIVE JUROR #034: Well the --

7 THE COURT: The kind of treatment that you had was it --

8 PROSPECTIVE JUROR #034: It was radiation treatment for prostate cancer.

9 THE COURT: Oh, okay.

10 PROSPECTIVE JUROR #034: And the side effects to --

11 THE COURT: I'm sorry that you have to tell me that. I apologize.

12 PROSPECTIVE JUROR #034: That's okay. The side effects of the treatment
13 is that I have to use the restroom quite often.

14 THE COURT: Okay. Are you okay right now?

15 PROSPECTIVE JUROR #034: I'm fine.

16 THE COURT: All right. You'll let me know if --

17 PROSPECTIVE JUROR #034: And it's really not -- I mean, it's just the
18 longevity of this particular trial. I would like to maybe get on maybe a short trial, but
19 this one is just going to be difficult and the breaks is another concern that I have.

20 THE COURT: How often -- if we took hourly breaks.

21 PROSPECTIVE JUROR #034: Hourly would probably be fine.

22 THE COURT: So, if we took hourly breaks you could be on the panel?

23 PROSPECTIVE JUROR #034: Well I wouldn't say for the duration of this trial
24 but for a shorter trial I would imagine I could do that.

25 THE COURT: Okay. Why do you think the duration would affect you?

1 PROSPECTIVE JUROR #034: Well it's just besides the breaks it's just hard
2 on me to sit that long --

3 THE COURT: Okay.

4 PROSPECTIVE JUROR #034: -- for long periods of time.

5 THE COURT: How long are you post-treatment?

6 PROSPECTIVE JUROR #034: I'm five years. I still have five years to go.

7 THE COURT: What does that mean?

8 PROSPECTIVE JUROR #034: Well it's a ten year process where testing
9 happens.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR #034: Post --

12 THE COURT: So, you're not currently under any type of treatment?

13 PROSPECTIVE JUROR #034: Other than blood tests, no.

14 THE COURT: Okay. Are you just tired? What is it?

15 PROSPECTIVE JUROR #034: It's tired and it's just hard, physically hard on
16 me to sit for those long hours at a time without being able to get up and move
17 around.

18 THE COURT: Okay. All right. Thank you, sir. Thank you for being here.

19 PROSPECTIVE JUROR #035: Hi. My name is Evan Casey. My badge
20 number is 35. I'm also a private contractor. I work as a stylist model and producer
21 for an all purpose production company here in town as well as individually teaching
22 classes for different studios. And for me, I have to be able to work during the day in
23 our office and I also have to be able to be available in the evenings, but our call
24 times are about 4 o'clock and for me to get out of downtown to places on The Strip I
25 need to be, I wouldn't be able to do those. I'm the only person. I live alone. I'm a

1 single woman and I can't pay my rent if I'm here.

2 THE COURT: Okay. So, you don't get paid if you're not working and missing
3 two weeks --

4 PROSPECTIVE JUROR #035: And additionally I have an appointment with a
5 graduate advisor.

6 THE COURT: It's okay; okay, honey.

7 PROSPECTIVE JUROR #035: I'm sorry. As soon as I heard that it was
8 something to do with children, I started shaking. I have a long history with Child
9 Protective Services and the state and I get very emotional.

10 THE COURT: All right. But it pretty much sounds to me like it would be a --
11 we don't need to go into that.

12 PROSPECTIVE JUROR #035: I'm very sorry.

13 THE COURT: It would be a financial burden such that you couldn't be here?

14 PROSPECTIVE JUROR #035: Yes, for me it would be.

15 THE COURT: Okay. I'm sorry.

16 PROSPECTIVE JUROR #035: No, I'm very sorry.

17 THE COURT: Are you okay?

18 PROSPECTIVE JUROR #035: Yes, I'm fine. I'm so sorry. I did not mean to
19 do that. I also have an appointment with a graduate's advisor this week that I've
20 waited over a month and a half for.

21 THE COURT: Are you a student too?

22 PROSPECTIVE JUROR #035: I actually am trying to get back into school. I
23 have two degrees and I'm trying to finish so I can work toward my Ph.D in history.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR #035: I can't be a model forever; right?

1 THE COURT: Okay. Thank you.

2 PROSPECTIVE JUROR #035: Thank you.

3 THE COURT: You can pass it down. Anyone else over here?

4 PROSPECTIVE JUROR #038: Vivian Jones, 38. I'm a heart survivor and -- if

5 somebody else cries I will cry.

6 THE COURT: That's okay.

7 PROSPECTIVE JUROR #038: And I'm on Coumadin.

8 THE COURT: I don't want you to cry so --

9 PROSPECTIVE JUROR #038: Okay.

10 THE COURT: It sounds like you're a heart survivor. Okay. Are you in good

11 health?

12 PROSPECTIVE JUROR #038: I spent a lot of time in the hospital and doctors

13 -- because of the Coumadin and I have a mechanical valve, and I just don't think I'm

14 healthy enough to do it.

15 THE COURT: You don't believe you're healthy enough to do it?

16 PROSPECTIVE JUROR #038: Not enough to miss my appointments and not

17 --

18 THE COURT: You're currently under medical care?

19 PROSPECTIVE JUROR #038: Yes, after open heart surgery, yeah, I have to

20 be on Coumadin so I have to go once a week, once a month depending on how my

21 levels are.

22 THE COURT: Okay. Thank you, Ms. Jones. Thank you for being here.

23 Anyone else on that front row? I'm going to get to you in the back. I promise I'll get

24 to you.

25 PROSPECTIVE JUROR #044: Hello. Diana Hayes, Juror 44. I travel

1 extensively for work and after this particular jury was selected and I agreed, my
2 company has booked me a trip. I'm a 6:30 flight tomorrow to New York City for the
3 remainder of the week.

4 THE COURT: What do you do?

5 PROSPECTIVE JUROR #044: I'm a regional manager in retail.

6 THE COURT: And so if you're here you can't make your plane; right?

7 PROSPECTIVE JUROR #044: That's accurate.

8 THE COURT: Okay. How would that affect you?

9 PROSPECTIVE JUROR #044: This obviously would affect our company.
10 They've already paid for the flight. I did bring a boarding pass and the itinerary.

11 THE COURT: But they knew you had jury duty?

12 PROSPECTIVE JUROR #044: They did not know I had jury duty. I already --
13 I was scheduled for the last week of February. I postponed that because that was a
14 training meeting in Akron, and then I re-scheduled for this week and then they -- a
15 booking came up after that.

16 THE COURT: You knew. I mean, obviously you knew and you could have
17 told your employer?

18 PROSPECTIVE JUROR #044: I could not have told my employer. They
19 booked it -- I did not know they were doing that. It's a training. It's a one time thing.

20 THE COURT: But you had notice that you had to be here and you've already
21 postponed being here one time; correct?

22 PROSPECTIVE JUROR #044: Correct.

23 THE COURT: Okay. All right. But -- so if you can't be there tomorrow
24 somebody else has to take your place; right?

25 PROSPECTIVE JUROR #044: No; I'm the only one that goes. I cover a

1 region --

2 THE COURT: Okay.

3 PROSPECTIVE JUROR #044: Las Vegas, Utah, Hawaii. I go for the training,
4 come back and train.

5 THE COURT: Okay. So, the training will have to take place another time if
6 you're here; right?

7 PROSPECTIVE JUROR #044: No; I -- it's the only time they do the training.
8 It's in New York. It's with a vendor. And so I am the one that doesn't get the
9 training. It's not that I am giving the training. I'm getting the training.

10 THE COURT: Okay. All right. Thank you. Thank you for being here.

11 Okay. The left on the second row. Anyone on the left on the second
12 row. Okay. On the right second row. Okay. On the left third row. Go ahead, sir.

13 PROSPECTIVE JUROR #081: I'm Ruben Hernandez-Diaz, 81. I am on call
14 at Del Taco. I work Friday, Saturday and Sunday and I will be at Sands April 1st,
15 2nd, 3rd and 4th.

16 THE COURT: You will be where April 1st?

17 PROSPECTIVE JUROR #081: Oh, at Sands Expo.

18 THE COURT: Okay. How would that effect -- I mean, everybody here I
19 assume has something they have to do every day for the next two weeks. Okay.
20 So, what I'm trying to get at, do you have things that it would be impossible for you
21 to be here?

22 PROSPECTIVE JUROR #081: Well the people I work, I'm employed there.
23 So they need someone to work.

24 THE COURT: Okay. So, if you're not there somebody else will have to take
25 your place; right?

1 PROSPECTIVE JUROR #081: Well now I got -- I accepted it so I have to go.

2 THE COURT: Okay. Well if you're here under Court order you understand
3 you have to be here; right? You would comply with a Court order to be present in
4 Court?

5 PROSPECTIVE JUROR #081: Yes but --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR #081: -- I have a schedule and those hours are very
8 important for me to get more experience.

9 THE COURT: Okay. Thank you for being here. Anyone else on the back
10 row? Okay. Officer, there's --

11 PROSPECTIVE JUROR #075: Danielle Ross, number 75.

12 THE COURT: Go ahead.

13 PROSPECTIVE JUROR #075: I am a single mother and I take my son to and
14 pick him up from school. My mother --

15 THE COURT: How old is he?

16 PROSPECTIVE JUROR #075: He's 13.

17 THE COURT: So, middle school?

18 PROSPECTIVE JUROR #075: Yes.

19 THE COURT: Do they start at 8 o'clock still?

20 PROSPECTIVE JUROR #075: They start at eight, yes, and get out at three.

21 THE COURT: All right. So, you'll be able to take him to school in the
22 morning?

23 PROSPECTIVE JUROR #075: Yes.

24 THE COURT: Do you pick him up?

25 PROSPECTIVE JUROR #075: I do.

1 THE COURT: Do you work?

2 PROSPECTIVE JUROR #075: I do. I leave work to go get him. That's my
3 lunch break basically.

4 THE COURT: All right. If you were required to be here, would you have --
5 would you be able to make other arrangements to have him picked up?

6 PROSPECTIVE JUROR #075: My mother doesn't drive anymore and my
7 father works.

8 THE COURT: I just need to know if you'd be able to make other
9 arrangements.

10 PROSPECTIVE JUROR #075: No, I wouldn't, unfortunately.

11 THE COURT: Okay. Do you live within walking distance?

12 PROSPECTIVE JUROR #075: It's a few blocks but I don't like him to walk
13 home by himself.

14 THE COURT: Okay. And so what happens when you get home, then what
15 happens?

16 PROSPECTIVE JUROR #075: He stays.

17 THE COURT: Do you go back to work?

18 PROSPECTIVE JUROR #075: I do.

19 THE COURT: All right. And there's nobody in the whole neighborhood and at
20 school that he's able to catch a ride with?

21 PROSPECTIVE JUROR #075: I could probably find somebody at school that
22 he can get a ride with.

23 THE COURT: Okay. So, that's all I'm trying to find out. I know you have --
24 obviously you have obligations. We would not start -- you'd be able to take him
25 every morning. My only concern is would you be able to make arrangements for the

1 afternoon?

2 PROSPECTIVE JUROR #075: I can try.

3 THE COURT: Okay. Thank you. I appreciate that. Thank you for being
4 here. All right. Third row over here. All right.

5 PROSPECTIVE JUROR #113: Hi, Your Honor. I am Juror number 113. I am
6 a owner operator of my business and I travel, commute every day about a hundred
7 miles each way Monday through Saturday, and it would be very difficult for me to
8 find somebody that can take my place. My wife doesn't work and we have four
9 children at home. So, it would be just very difficult to make the arrangements to do
10 that. I wouldn't have anyone that could take my place.

11 THE COURT: Okay. All right. Thank you. Thank you for being here.

12 Anyone else that wishes to respond to that question? The record will
13 reflect no further response from the panel.

14 Are there any of you who believe that for any other reason you would
15 be unable to serve as a juror in this particular case? Okay. Go ahead, sir. Mr. Lau,
16 Badge number 3.

17 PROSPECTIVE JUROR #003: My English is not very good. My English is
18 not very good. I don't think I --

19 THE COURT: How long have you lived in the United States?

20 PROSPECTIVE JUROR #003: Thirty years.

21 THE COURT: Thirty years.

22 PROSPECTIVE JUROR #003: Yeah.

23 THE COURT: And you're a United States citizen; yes?

24 PROSPECTIVE JUROR #003: Yes.

25 THE COURT: Do you work?

1 PROSPECTIVE JUROR #003: Retire.
2 THE COURT: Do you work?
3 PROSPECTIVE JUROR #003: Retire.
4 THE COURT: Oh, you're retired. I'm sorry. What did you do before you
5 retired?
6 PROSPECTIVE JUROR #003: Restaurant.
7 THE COURT: You worked in a restaurant?
8 PROSPECTIVE JUROR #003: Yeah.
9 THE COURT: What'd you do in the restaurant?
10 PROSPECTIVE JUROR #003: A cook.
11 THE COURT: Okay. And you've been able to understand everything I've
12 said.
13 PROSPECTIVE JUROR #003: Yeah, I understand but I don't fully understand
14 the conversations but [indiscernible] I can't --
15 THE COURT: Okay. Is there anything that you don't understand, you'll raise
16 your hand and let me know so we can clarify it for you; correct?
17 PROSPECTIVE JUROR #003: Okay.
18 THE COURT: Okay. Thank you, sir.
19 PROSPECTIVE JUROR #003: Okay.
20 THE COURT: All right. Go ahead, sir. Your name and badge number. Go
21 head.
22 PROSPECTIVE JUROR #022: My name's Alexi Pumarejo, Badge number
23 22.
24 THE COURT: Okay.
25 PROSPECTIVE JUROR #022: I don't know if this is going to be a follow-up

1 question but I don't know that I can be impartial in this case.

2 THE COURT: Okay. Why don't I just have you -- I'm going to have you
3 approach the bench. This is Mr. Pumarejo, Badge number 22. And I could have the
4 attorneys approach as well.

5 [Bench conference -- begins]

6 MS. ALLEN: Out of curiosity, are we going to break today?

7 THE COURT: Oh, yeah, for lunch? Oh yeah of course.

8 MS. ALLEN: Okay. I just didn't [indiscernible].

9 THE COURT: Okay. The record will reflect a juror is present, Badge number
10 22 and all four lawyers are present. You indicated you didn't think you could be
11 impartial?

12 PROSPECTIVE JUROR NUMBER #022: I don't think I can.

13 THE COURT: Because?

14 PROSPECTIVE JUROR NUMBER #022: I never suffered child abuse myself
15 but --

16 THE COURT: Okay. Come on here so everybody can --

17 PROSPECTIVE JUROR NUMBER #022: I've had very close relations who'd
18 had so I've dealt with a lot of that.

19 THE COURT: Okay. Who?

20 PROSPECTIVE JUROR NUMBER #022: A former girlfriend, fiancé that I was
21 with for five years.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NUMBER #022: Who suffered extensive child abuse
24 and rape and such.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NUMBER #022: And so the entire time I was kind of
2 dealing with that and with her issues, and just seeing that I don't know that I can --
3 that I could be completely impartial and just listen to the facts. It would be hard for
4 me.

5 THE COURT: But you know what's happening. Your life is different than
6 what's going on in this courtroom?

7 PROSPECTIVE JUROR NUMBER #022: I understand; yes, of course I
8 understand that.

9 THE COURT: Are you a person that would be able to separate that and judge
10 this case solely upon what you see and hear in the courtroom?

11 PROSPECTIVE JUROR NUMBER #022: I could certainly try, but what I'm
12 saying is I'm not -- if the question is whether you know that you can be completely
13 impartial --

14 THE COURT: Sure.

15 PROSPECTIVE JUROR NUMBER #022: -- I don't know that I can be, but I
16 can try but --

17 THE COURT: Who are you going to be unfair to?

18 PROSPECTIVE JUROR NUMBER #022: The Defendant.

19 THE COURT: Okay. And so just because the Defendant's sitting there and
20 the charges you don't think you can be fair to him?

21 PROSPECTIVE JUROR NUMBER #022: I don't know. I'm not sure. I mean,
22 I want to be completely honestly. So, I'm not sure that I can be. To be honest,
23 when I first heard the prosecution's statement of the charges, I --

24 THE COURT: You know they're only allegations though; correct?

25 PROSPECTIVE JUROR NUMBER #022: I understand fully and intellectually,

1 yes.

2 THE COURT: And you understand as he sits here today he is innocent;
3 correct?

4 PROSPECTIVE JUROR NUMBER #022: Of course. That's our system.

5 THE COURT: All right. But that differs from your personal beliefs because of
6 the charges?

7 PROSPECTIVE JUROR NUMBER #022: Yes; I just think it would be -- it
8 might be difficult for me to -- after hearing all the evidence to be fully impartial. It's
9 just a feel that I wanted to make aware and make the Court aware of.

10 THE COURT: So, you can't set aside your personal experiences?

11 PROSPECTIVE JUROR NUMBER #022: I don't know that I can.

12 THE COURT: Okay, sir. Thank you. Go have a seat.

13 [Bench conference -- concluded]

14 THE COURT: Okay. Anyone else that wishes to respond? Okay. Officer,
15 yes, someone back there. Go ahead. You can stand up and start talking. I can
16 hear you.

17 PROSPECTIVE JUROR NUMBER #054: I'm Rochelle Herst, Badge 54. I
18 potentially have a bias to you about a bias.

19 THE COURT: You want to approach the bench?

20 PROSPECTIVE JUROR NUMBER #054: Yes.

21 THE COURT: Okay. It's Rochelle Herst, Badge number 54. If I can have the
22 attorneys join me. The officer will escort you up here.

23 [Bench conference -- begins]

24 THE COURT: Okay. The record will reflect -- just a minute -- Ms. Herst is
25 present, Badge number 54 and all four lawyers are present. Go ahead.

1 PROSPECTIVE JUROR NUMBER #054: I'm a case worker with Desert
2 Regional Center working in the children's division. So, I've had children with CPS
3 and adults and kids with disabilities. So, I just thought I'd let you know --

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NUMBER #054: -- of my bias.

6 THE COURT: What's your bias?

7 PROSPECTIVE JUROR NUMBER #054: Well like he probably did it, but you
8 know, I could be proven wrong but --

9 THE COURT: Okay. Well no one's here to prove you wrong. First, Desert
10 Regional; what is that?

11 PROSPECTIVE JUROR NUMBER #054: Desert Regional Center. We work
12 for the state agency that works with children with disabilities and adults from zero to
13 death.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NUMBER #054: A case worker for the last 16 years
16 there.

17 THE COURT: Okay. What I'm concerned about is you said I think he
18 probably did it.

19 PROSPECTIVE JUROR NUMBER #054: Yeah.

20 THE COURT: You've already formed an opinion?

21 PROSPECTIVE JUROR NUMBER #054: I have.

22 THE COURT: Based on what?

23 PROSPECTIVE JUROR NUMBER #054: Just working with children for many
24 years and children don't usually say things that they don't mean.

25 THE COURT: Okay. So, regardless of what goes on in here --

1 PROSPECTIVE JUROR NUMBER #054: I could be persuade --

2 THE COURT: Well here's the thing. We're not here to change -- I mean,
3 we're not here to change an opinion you've already formed. We need people that
4 have not formed any opinions.

5 PROSPECTIVE JUROR NUMBER #054: Right.

6 THE COURT: Have you formed an opinion?

7 PROSPECTIVE JUROR NUMBER #054: Just by the little bit I've heard, yes.

8 THE COURT: Okay. And you understand you haven't heard anything? You
9 haven't heard any evidence.

10 PROSPECTIVE JUROR NUMBER #054: Just [indiscernible] but no, right.

11 THE COURT: Okay. Do you understand as he sits here today he's innocent?

12 PROSPECTIVE JUROR NUMBER #054: Yes.

13 THE COURT: But you don't agree with that?

14 PROSPECTIVE JUROR NUMBER #054: No.

15 THE COURT: Okay. So, our system says he's innocent. Your personal
16 belief doesn't accept that.

17 PROSPECTIVE JUROR NUMBER #054: Just by looking at the children, yes.

18 THE COURT: Okay. Have you shared that opinion with anyone else on the
19 panel?

20 PROSPECTIVE JUROR NUMBER #054: No.

21 THE COURT: And I'm going to order you not to discuss these opinions or
22 anything that's discussed up here with any of the members of the jury panel.

23 PROSPECTIVE JUROR NUMBER #054: Absolutely.

24 THE COURT: And you'll comply with that; correct?

25 PROSPECTIVE JUROR NUMBER #054: Yes.

1 THE COURT: Okay. Thank you.

2 [Bench conference -- concluded]

3 THE COURT: Anyone else that wishes to address the Court? Okay. We
4 have someone in the back row. You can stand up. I can hear you, sir.

5 PROSPECTIVE JUROR NUMBER #123: My name's Anthony Bonde, 123. I
6 have a tendency to prejudge. So, I don't think it would be fair to the families
7 involved and I wouldn't want myself to be, you know, to make a decision on my --
8 based on my prejudgment.

9 THE COURT: All right. You've made a -- you haven't heard any evidence;
10 correct?

11 PROSPECTIVE JUROR NUMBER #123: No, I haven't.

12 THE COURT: And you've made a judgment based on what?

13 PROSPECTIVE JUROR NUMBER #123: From what I've heard so far.

14 THE COURT: Okay. So, you understand what the attorneys say is not
15 evidence. It can't even be considered by you.

16 PROSPECTIVE JUROR NUMBER #123: Okay.

17 THE COURT: Can you accept that?

18 PROSPECTIVE JUROR NUMBER #123: I can accept that. I just want to be
19 fair and let you know the type of person that I am, that I do prejudge people. If I was
20 in their shoes I would want to know about me also.

21 THE COURT: Okay. But can you follow the rules in this courtroom? And one
22 of the rules I'm going to tell you is can you keep an open mind, can you wait until
23 forming opinion until you have heard all of the evidence from both sides and after
24 you've been instructed on the law by myself?

25 PROSPECTIVE JUROR NUMBER #123: I would definitely try, yes.

1 THE COURT: Okay. You can think about it. But what I'm asking you to do is
2 listen to everything that's presented by both sides --

3 PROSPECTIVE JUROR NUMBER #123: True.

4 THE COURT: And then it's my job to instruct you on the law that applies and
5 then to follow the law and apply it to what you've heard in the courtroom. Are you a
6 person that can do that?

7 PROSPECTIVE JUROR NUMBER #123: I will definitely try, yes.

8 THE COURT: Are you a person that can do that?

9 PROSPECTIVE JUROR NUMBER #123: I believe so.

10 THE COURT: Okay. And you haven't formed any opinions today; correct?

11 PROSPECTIVE JUROR NUMBER #123: So far I have, yes.

12 THE COURT: You've already formed an opinion?

13 PROSPECTIVE JUROR NUMBER #123: Mm-hmm.

14 THE COURT: Based on nothing.

15 PROSPECTIVE JUROR NUMBER #123: Based on -- yes, I have.

16 THE COURT: All right. But you understand now that I've told you, the
17 attorneys what they say is not evidence and can't be considered by you. The
18 attorneys get to ask questions --

19 PROSPECTIVE JUROR NUMBER #123: Mm-hmm.

20 THE COURT: Okay. And you can consider their questions only as it applies
21 meaning to the answer that's given by the witness.

22 PROSPECTIVE JUROR NUMBER #123: Yes.

23 THE COURT: Do you agree with that?

24 PROSPECTIVE JUROR NUMBER #123: Yes.

25 THE COURT: And would you follow that rule?

1 PROSPECTIVE JUROR NUMBER #123: I will try, yes, I will.

2 THE COURT: Well I need to know if you'll do it not whether you'll try to do it.

3 PROSPECTIVE JUROR NUMBER #123: I will.

4 THE COURT: Okay. So, whatever your personality is, can you set that aside
5 and follow the rules that's given to you by myself?

6 PROSPECTIVE JUROR NUMBER #123: Okay.

7 THE COURT: Will you do that?

8 PROSPECTIVE JUROR NUMBER #123: Yes.

9 THE COURT: Okay. And you understand as this gentleman sits here today,
10 he's an innocent man; do you understand that?

11 PROSPECTIVE JUROR NUMBER #123: Yes.

12 THE COURT: Okay. So, he deserves a jury panel that actually believed not
13 only believed -- not only recognizes that but also believes in it and believes in our
14 system, that as he sits here today he is presumed innocent; do you understand
15 that?

16 PROSPECTIVE JUROR NUMBER #123: Yes.

17 THE COURT: And do you believe that?

18 PROSPECTIVE JUROR NUMBER #123: Pretty much; yes, I do. Okay.

19 THE COURT: Will you accept that?

20 PROSPECTIVE JUROR NUMBER #123: Yes, I will.

21 THE COURT: Okay. Does that conflict with your personal opinions? I mean,
22 everybody here, everybody in this whole room, everybody in the whole United
23 States of America is they're accused of a crime is entitled to that same presumption;
24 do you agree with that?

25 PROSPECTIVE JUROR NUMBER #123: Yes.

1 THE COURT: And do you agree with the fact that this gentleman is entitled to
2 it?

3 PROSPECTIVE JUROR NUMBER #123: Yes.

4 THE COURT: You're entitled to it?

5 PROSPECTIVE JUROR NUMBER #123: Yes.

6 THE COURT: I'm entitled to it, he's entitled to it; do you agree with that?

7 PROSPECTIVE JUROR NUMBER #123: Yes, I do.

8 THE COURT: Okay. And you'll follow the law as given to you by the Court?

9 PROSPECTIVE JUROR NUMBER #123: Yes.

10 THE COURT: Okay. And I'm never going to tell you to let your personality
11 traits interfere with what the law is?

12 PROSPECTIVE JUROR NUMBER #123: Okay.

13 THE COURT: Can you do that?

14 PROSPECTIVE JUROR NUMBER #123: Sure.

15 THE COURT: And can you wait until you've heard all of the evidence and
16 after being instructed on the law before reaching a conclusion as to what the
17 appropriate results should be?

18 PROSPECTIVE JUROR NUMBER #123: Yes.

19 THE COURT: Okay. Thank you, sir. Anyone else that wishes to address the
20 Court? The record will reflect no further response from the panel.

21 Is there anyone on this panel -- you know what. It's about time. We're
22 going to take a lunch break at this time. And so I just need to give you're an
23 admonishment before you leave. When you come back, I'd just like you to pay
24 attention to where you're sitting because when the Court marshal brings you in I'm
25 going to ask you to sit in the same seats that you're sitting in and we will resume

1 again at 1:45.

2 During this recess, you're admonished not to talk or converse amongst
3 yourselves or with anyone else on any subject connected with this trial or read,
4 watch or listen to any report of or commentary on the trial or any person connected
5 with this trial by any medium of information, including without limitation, newspapers,
6 television, the internet or radio or form or express an opinion on any subject
7 connected with this trial unless the case is finally submitted to you. You are further
8 admonished you may not communicate with anyone including your fellow jurors
9 about this case or on your cellphones through email , Blackberry, iPhone, text
10 messaging, through Twitter or any blog or website, through any internet chat room
11 or way of any other social networking website including but not limited to Facebook
12 MySpace, LinkedIn and YouTube. Thank you very much and you are excused.

13 [Recess taken at 12:05 p.m.]

14 [Proceedings resumed at 1:54 p.m.]

15 [Inside the presence of the prospective jury panel]

16 THE COURT: Will the parties stipulate to the presence of the jury venire?

17 MS. LUZAICH: Yes.

18 MS. ALLEN: Yes, Judge. I'm sorry.

19 THE COURT: Okay. We left off on this question. Has anyone on this panel
20 ever been engaged in law enforcement work or have a spouse or close relative who
21 has ever been engaged in law enforcement work? And we'll do the same thing. I'll
22 start over here. Okay. Left side. Go ahead, ma'am.

23 PROSPECTIVE JUROR NUMBER #049: Elizabeth Spaur, Juror number 49.

24 THE COURT: Okay. Go ahead.

25 PROSPECTIVE JUROR NUMBER #049: My husband was a police officer in

1 Glendale, but he left in, gosh, 1990.

2 THE COURT: So, he hasn't been for a long, long time?

3 PROSPECTIVE JUROR NUMBER #049: Yes.

4 THE COURT: Okay. Anything about his -- were you married to him at the
5 time?

6 PROSPECTIVE JUROR NUMBER #049: No. I didn't even know him at the
7 time.

8 THE COURT: Okay. What does he do now?

9 PROSPECTIVE JUROR NUMBER #049: Right now he's retired.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NUMBER #049: After he left law enforcement he
12 went into medical equipment repair.

13 THE COURT: Anything about his former employment that would affect your
14 ability to be fair and impartial in this particular case?

15 PROSPECTIVE JUROR NUMBER #049: No.

16 THE COURT: Okay. Thank you. If you'd pass it down to the juror to the
17 right.

18 PROSPECTIVE JUROR NUMBER #045: I'm Nabor Torres, Juror 45. My
19 brother-in-law works as a dispatcher for the Los Angeles County Sheriff's
20 Department.

21 THE COURT: Anything about his employment that would affect your ability to
22 be fair and impartial?

23 PROSPECTIVE JUROR NUMBER #045: No.

24 THE COURT: Thank you. Anyone else on the left side? Okay. Over here on
25 the right. Go ahead.

1 PROSPECTIVE JUROR NUMBER #034: Patrick Hoover, Juror number 34.
2 My brother was a forensic chemist for LAPD, Long Beach PD, and Washington
3 State Troopers for his entire career.

4 THE COURT: Anything about -- is he retired now?

5 PROSPECTIVE JUROR NUMBER #034: He's retired.

6 THE COURT: Okay. Anything about his employment that would affect your
7 ability to be fair and impartial?

8 PROSPECTIVE JUROR NUMBER #034: No, not at all.

9 THE COURT: Okay. Thank you. And, Mr. Hoover, you'll remind me if you
10 need a break; right?

11 PROSPECTIVE JUROR NUMBER #034: Yeah, I will.

12 THE COURT: Just if you raise your hand I'll know. Okay.

13 PROSPECTIVE JUROR NUMBER #034: Thank you.

14 PROSPECTIVE JUROR NUMBER #037: Yvonne Lewis, number 37. I was a
15 dispatcher over ten years ago for police, fire and EMTs in Arizona.

16 THE COURT: How long did you do that?

17 PROSPECTIVE JUROR NUMBER #037: About a year and a half.

18 THE COURT: How'd you like it?

19 PROSPECTIVE JUROR NUMBER #037: I loved it.

20 THE COURT: Okay. What do you do now?

21 PROSPECTIVE JUROR NUMBER #037: Now I run dental offices.

22 THE COURT: Okay. Why'd you leave dispatch?

23 PROSPECTIVE JUROR NUMBER #037: The chief of police was impeached
24 and --

25 THE COURT: Oh, so the chief of police was an elected official?

1 PROSPECTIVE JUROR NUMBER #037: It wasn't elected. It was a
2 township.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NUMBER #037: So, yeah, he was impeached and
5 there was a lot of bad stuff so I --

6 THE COURT: You hightailed it out. Okay. Anything about your former
7 employment that would affect your ability to be fair and impartial?

8 PROSPECTIVE JUROR NUMBER #037: No.

9 THE COURT: Okay. Thank you. Anyone else?

10 PROSPECTIVE JUROR NUMBER #044: My husband served 30 years --

11 THE COURT: Your name and badge number.

12 PROSPECTIVE JUROR NUMBER #044: Oh, sorry. Diana Hayes, 44.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NUMBER #044: My husband of 30 years law
15 enforcement with the National Park Service.

16 THE COURT: Okay. What was his job title?

17 PROSPECTIVE JUROR NUMBER #044: National Park Ranger.

18 THE COURT: So, he worked for the Federal Government?

19 PROSPECTIVE JUROR NUMBER #044: Yes.

20 THE COURT: What does he do now?

21 PROSPECTIVE JUROR NUMBER #044: He is retired six years.

22 THE COURT: Okay. Anything about his former employment that would affect
23 your ability to be fair and impartial?

24 PROSPECTIVE JUROR NUMBER #044: No.

25 THE COURT: Thank you. Anyone else that wishes to respond to that

1 question? The record will reflect no further response from the panel.

2 Is there anyone on this panel who believes that they may not be able to
3 follow all the instructions of the Court on the law even if the instructions differ from
4 your personal conceptions of what the law ought to be? Anyone who believes they
5 cannot follow the law as given to you by the Court? The record will reflect no
6 response from the panel.

7 Okay. At this time, we're going to go out in the hallway so that we don't
8 have to excuse you. The Court will still be in session. The Court marshal will be in
9 here. I just want to remind you that the recording will still be going and the Court will
10 still be in the session, and just give us a couple minutes.

11 [Sidebar -- not recorded]

12 THE COURT: Officer, we're going to get ready to seat 'em in the jury box.
13 So, if you'll have everyone come out of the jury box. Do the parties stipulate to the
14 presence of the jury panel?

15 MS. LUZAICH: Yes.

16 MS. ALLEN: Yes, Your Honor.

17 THE COURT: Okay. At this time, the clerk's going to call the first 32 to sit in
18 the jury box. So, what's going happen are some of you are going to move out and
19 so I'm going to let the clerk go. Juror number 1.

20 THE COURT CLERK: Robert Newman, seat number 1.

21 THE COURT: Okay. So, Mr. Philips, if you'll step down, and Mr. Lau, if you'll
22 move to seat number 2.

23 THE COURT CLERK: Wai Lau, seat number 2. Then it'll be Jayson
24 Kamaunu --

25 THE COURT: So, Ms. Miller and Ms. Quattrone, if you'll step out of the box.

1 THE COURT CLERK: Jason Kamaunu, seat number 3.

2 THE COURT: You know, since we're using every single seat in the
3 courtroom, when I ask you to step in the back if you don't mind standing for just a
4 few minutes and then there will be some open seats for you to sit down. I don't
5 make you stand very long.

6 THE COURT CLERK: Steven Yowell, seat number 4; Timothy Geiger, seat
7 number 5; Melinda St. Clair, seat number 6; Ian Urquico, seat number 7. Second
8 row, Mona Stammetti, seat number 8; Nicholas Carlyn, seat number 9; Angel Diane
9 Marie Haber, seat number 10. Thank you. William Lambert, seat number 11;
10 Robert Allen, seat number 12; Eric Greenwood, seat number 13; Helen Stephens,
11 seat number 14; Monica Randolph, seat number 15; Yvonne Lewis, seat number 16;
12 Kathleen Smith, seat number 17; Lisa Mandel, seat number 18; Eugene Kordoban,
13 seat number 19; Diana Hayes, seat number 20; Nabor Torres, seat number 21;
14 Robert Bell, seat number 22; Dana Capitanio, seat number 23; Wilfred Bocage; seat
15 number 24; Elizabeth Spaur, seat number 15; Nicole Fried, seat number 26; Mindie
16 Barlow, seat number 27; Robin Powell, seat number 28; Millie Hiatt, seat number
17 29; Tracy Ence, seat number 30; Jennifer Hernandez, seat number 31; Godfred
18 Padernilla, 32;

19 THE COURT: All right. Now everyone else that's standing up, you can sit
20 wherever you want just not on that -- this front row. Okay. So, just find an open
21 seat. And every single seat will be taken. You know what, Officer? You're probably
22 going to have to get a chair because I don't want 'em to sit in this front row.

23 [Colloquy between the Court and the Court Marshal]

24 THE COURT: Let me ask the parties. Which would be the easiest four to
25 move up here? To me, it would have been 15, 16, 17, 18.

1 MS. LUZAICH: Only because that's how my chart works right now.

2 THE COURT: Okay. 15, 16, 17 and 18, if you'll come up here, and then
3 everyone slide down. Sorry. We have to use every seat.

4 [Colloquy between the Court and the Court Clerk]

5 THE COURT: She's 30. Okay. Where's number 31 and 32. Officer, where's
6 -- okay. Here's what I need. Jennifer Hernandez, you're sitting right here next to
7 Ms. Ence, and you're number 32. Okay. Now everybody can find a seat, just not in
8 the front row. That row is fine. Everyone should be able to find a seat now.
9 Perfect, perfect. Thank you very much. Thank you for our cooperation.

10 Mr. Newman, how long have you lived in Clark County?

11 PROSPECTIVE JUROR #001: Thirty-four years.

12 THE COURT: Your employment, training, and education background.

13 PROSPECTIVE JUROR #001: I am a branch sales manager of Bank of the
14 West; high school, some college.

15 THE COURT: How much college?

16 PROSPECTIVE JUROR #001: About freshman year.

17 THE COURT: Okay. So, one year. And I'm sorry. Will you state -- you're a
18 sales manager for --

19 PROSPECTIVE JUROR #001: Sales manager for Bank of the West.

20 THE COURT: Okay. That's what I thought you said. What do you sell?

21 PROSPECTIVE JUROR #001: New accounts, loans.

22 THE COURT: Okay. Your marital status?

23 PROSPECTIVE JUROR #001: Divorced.

24 THE COURT: Do you have any children?

25 PROSPECTIVE JUROR #001: Four.

1 THE COURT: Are any of your four children old enough to be employed?
2 PROSPECTIVE JUROR #001: No.
3 THE COURT: Okay. They're all minors?
4 PROSPECTIVE JUROR #001: Minors.
5 THE COURT: Okay. Do you know of any reason why you could not be a
6 completely fair and impartial juror if you were selected to serve on this panel?
7 PROSPECTIVE JUROR #001: No.
8 THE COURT: Thank you. Have you ever served as a juror before?
9 PROSPECTIVE JUROR #001: Yes.
10 THE COURT: Was it one time?
11 PROSPECTIVE JUROR #001: One time.
12 THE COURT: And that was here in Clark County?
13 PROSPECTIVE JUROR #001: Correct.
14 THE COURT: It was criminal?
15 PROSPECTIVE JUROR #001: Yes.
16 THE COURT: And you were selected to be the foreperson?
17 PROSPECTIVE JUROR #001: Yes.
18 THE COURT: And without telling us what your verdict was, were you able to
19 reach a verdict?
20 PROSPECTIVE JUROR #001: Correct.
21 THE COURT: Anything about that that would affect your ability to be fair and
22 impartial in this case?
23 PROSPECTIVE JUROR #001: No.
24 THE COURT: Any reason why you could not be a completely fair and
25 impartial juror if you were selected to serve on this panel?

1 PROSPECTIVE JUROR #001: No, no, ma'am.

2 THE COURT: Thank you. Thank you. Thank you for being here.

3 Mr. Lau.

4 PROSPECTIVE JUROR #003: Yes.

5 THE COURT: Lau; is that correct?

6 PROSPECTIVE JUROR #003: Yes.

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

8 PROSPECTIVE JUROR #002: More than thirty years.

9 THE COURT: Thirty years?

10 PROSPECTIVE JUROR #003: Yeah.

11 THE COURT: Your education background.

12 PROSPECTIVE JUROR #003: Education?

13 THE COURT: Mm-hmm.

14 PROSPECTIVE JUROR #003: Nine years.

15 THE COURT: Nine years. And you told me you're retired now; is that

16 correct?

17 PROSPECTIVE JUROR #003: Yes.

18 THE COURT: Okay. And before you retired you worked in a restaurant as a

19 cook; correct?

20 PROSPECTIVE JUROR #003: Yes.

21 THE COURT: Okay. Are you married?

22 PROSPECTIVE JUROR #003: Yes.

23 THE COURT: Is your wife employed?

24 PROSPECTIVE JUROR #003: No, retire.

25 THE COURT: She's retired as well?

1 PROSPECTIVE JUROR #003: Yeah.

2 THE COURT: Do you have children?

3 PROSPECTIVE JUROR #003: Yeah, I have two.

4 THE COURT: Two children?

5 PROSPECTIVE JUROR #003: Yes.

6 THE COURT: Are they old enough to work?

7 PROSPECTIVE JUROR #003: They are -- yeah, working, yeah.

8 THE COURT: Okay. What do they do for a living?

9 PROSPECTIVE JUROR #003: My son.

10 THE COURT: Uh-huh.

11 PROSPECTIVE JUROR #003: That one's a pharmacy.

12 THE COURT: Okay. Pharmacy --

13 PROSPECTIVE JUROR #003: And doctor.

14 THE COURT: I'm sorry.

15 PROSPECTIVE JUROR #003: Medical doctor.

16 THE COURT: Okay. Do you know of any reason why you could not be a

17 completely fair and impartial juror if you were selected to serve on this panel?

18 PROSPECTIVE JUROR #003: What's that?

19 THE COURT: Do you know of any reason why you could not be a completely

20 fair and impartial juror if you were selected to serve on this panel?

21 PROSPECTIVE JUROR #003: Yeah, because I'm citizen and then

22 [indiscernible].

23 THE COURT: Okay. Do you understand my question?

24 PROSPECTIVE JUROR #003: Not quite understand what you just said.

25 THE COURT: Okay. Do you know of any reason why you could not be a

1 completely fair and impartial juror if you were selected to serve on this jury panel?
2 Do you know of anything that would prevent you from being a juror on this jury
3 panel? Do you understand my question?

4 PROSPECTIVE JUROR #003: Not quite.

5 THE COURT: Okay. Do you know of any reason --

6 PROSPECTIVE JUROR #003: Yes.

7 THE COURT: You understand so far?

8 PROSPECTIVE JUROR #003: Yeah, any reason, yeah.

9 THE COURT: Okay. Why you could not be a completely fair and impartial
10 juror?

11 PROSPECTIVE JUROR #003: I don't know.

12 THE COURT: Okay. You're not understanding my question now? Okay.
13 What I'm going to ask you to do is I'm just going to ask you to step out of the box
14 and you can go sit -- leave the microphone there. And I'm going to ask Danielle
15 Ross, Danielle Ross, you're going to become Juror number 2. Thank you, Ms.
16 Ross. Can you tell me how long you've lived in Clark County?

17 PROSPECTIVE JUROR #075: For a little over 20 years.

18 THE COURT: And your education background?

19 PROSPECTIVE JUROR #075: Three years -- well all through college, three
20 years of college.

21 THE COURT: Okay. What'd you study in college?

22 PROSPECTIVE JUROR #075: I was a hotel major with a dance minor.

23 THE COURT: And you're single?

24 PROSPECTIVE JUROR #075: I am.

25 THE COURT: Yes?

1 PROSPECTIVE JUROR #075: Yes.
2 THE COURT: And you have one child?
3 PROSPECTIVE JUROR #075: Yes.
4 THE COURT: And he's a minor; correct?
5 PROSPECTIVE JUROR #075: Correct.
6 THE COURT: Do you know of any reason why you could not be a completely
7 fair and impartial juror if you were selected to serve?
8 PROSPECTIVE JUROR #075: No.
9 THE COURT: Thank you. Have you ever served as a juror before?
10 PROSPECTIVE JUROR #075: No.
11 THE COURT: Okay. Thank you.
12 Mr. -- can you pronounce your name for me?
13 PROSPECTIVE JUROR #009: Kamaunu.
14 THE COURT: Thank you. How long have you lived in Clark County?
15 PROSPECTIVE JUROR #009: Eleven years.
16 THE COURT: Your education background.
17 PROSPECTIVE JUROR #009: Completed high school.
18 THE COURT: What do you do for a living?
19 PROSPECTIVE JUROR #009: I work for Southern Wine and Spirits. I'm the
20 night warehouse foreman.
21 THE COURT: Okay. Your marital status?
22 PROSPECTIVE JUROR #009: Married.
23 THE COURT: Is your wife employed?
24 PROSPECTIVE JUROR #009: Yes.
25 THE COURT: What does she do?

1 PROSPECTIVE JUROR #009: She manages a dental office.
2 THE COURT: Okay. Do you have any children?
3 PROSPECTIVE JUROR #009: Five.
4 THE COURT: Are any of 'em adults?
5 PROSPECTIVE JUROR #009: Yes; one.
6 THE COURT: Okay. One is? What does that child do for a living?
7 PROSPECTIVE JUROR #009: She just moved out to Hawaii to go to school.
8 THE COURT: Okay. So, she's attending college in Hawaii?
9 PROSPECTIVE JUROR #009: Yes.
10 THE COURT: Okay. Do you know of any reason why you could not be a
11 completely fair and impartial juror if you were selected to serve on this panel?
12 PROSPECTIVE JUROR #009: No.
13 THE COURT: Have you ever served as a juror before?
14 PROSPECTIVE JUROR #009: No.
15 THE COURT: Okay. Thank you, sir. Thank you for being here.
16 Ms. Ross, I don't think -- did I ask you what you do for a living? I didn't
17 think I did. Can you tell us what you do for a living?
18 PROSPECTIVE JUROR #075: I work for a destination management
19 company.
20 THE COURT: What do you do?
21 PROSPECTIVE JUROR #075: I'm a account executive, sales.
22 THE COURT: Okay. Thank you.
23 Stephen Yowell.
24 PROSPECTIVE JUROR #011: Yes.
25 THE COURT: How long have you lived in Clark County?

1 PROSPECTIVE JUROR #011: Twenty-one years.
2 THE COURT: Your employment, education background.
3 PROSPECTIVE JUROR #011: Three years of college and I'm a pit manager
4 at a local casino.
5 THE COURT: How long have you done that?
6 PROSPECTIVE JUROR #011: Probably 12 years.
7 THE COURT: Okay. And what'd you study in college?
8 PROSPECTIVE JUROR #011: Electronic engineering.
9 THE COURT: Your marital status?
10 PROSPECTIVE JUROR #011: Married.
11 THE COURT: Is your wife employed?
12 PROSPECTIVE JUROR #011: Yes.
13 THE COURT: What does your wife do for a living?
14 PROSPECTIVE JUROR #011: She's a paralegal.
15 THE COURT: Okay. Do you know what law firm she works for?
16 PROSPECTIVE JUROR #011: Yes.
17 THE COURT: And what would that law firm be?
18 PROSPECTIVE JUROR #011: Parker and Associates.
19 THE COURT: Parker and Associates. Do you know what kind of law they
20 practice?
21 PROSPECTIVE JUROR #011: Construction defect.
22 THE COURT: Okay. And you understand if you're selected to serve on this
23 panel you can't discuss the case with anyone including your fellow jurors until you've
24 been discharged to deliberate upon your verdict which means you can't go home
25 and ask your wife any questions about the case.

1 PROSPECTIVE JUROR #011: Yes.

2 THE COURT: Do you understand that?

3 PROSPECTIVE JUROR #011: Yes.

4 THE COURT: Or anyone else for that matter. You understand that; correct?

5 PROSPECTIVE JUROR #011: Yes; correct.

6 THE COURT: And you would comply with that order?

7 PROSPECTIVE JUROR #011: Yes, I can.

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

9 PROSPECTIVE JUROR #011: Yes; I have three.

10 THE COURT: Okay. Are any of them adults?

11 PROSPECTIVE JUROR #011: Two of 'em are adults.

12 THE COURT: Are they employed?

13 PROSPECTIVE JUROR #011: The oldest is employed getting ready to join

14 the Navy in August and the other one is in college.

15 THE COURT: Do you know of any reason why you could not be a completely

16 fair and impartial juror if you were selected to serve?

17 PROSPECTIVE JUROR #011: No.

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

19 PROSPECTIVE JUROR #011: No, ma'am.

20 THE COURT: Thank you, sir.

21 Timothy Geiger. Mr. Geiger --

22 PROSPECTIVE JUROR #012: Yes.

23 THE COURT: -- how long have you lived in Clark County?

24 PROSPECTIVE JUROR #012: Eight years.

25 THE COURT: Your employment education background.

1 PROSPECTIVE JUROR #012: Retired; high school education; retired
2 plumber pipefitter.

3 THE COURT: I'm sorry. Retired from where?

4 PROSPECTIVE JUROR #012: Plumber and pipefitter, Fairbanks, Alaska.

5 THE COURT: Did you come out here to retire?

6 PROSPECTIVE JUROR #012: Yes.

7 THE COURT: Your marital status?

8 PROSPECTIVE JUROR #012: Married.

9 THE COURT: Is your wife employed?

10 PROSPECTIVE JUROR #012: Retired.

11 THE COURT: What did she do before she retired?

12 PROSPECTIVE JUROR #012: Housewife.

13 THE COURT: So, she'd have to retire from being a housewife?

14 PROSPECTIVE JUROR #012: She's a volunteer for a senior center.

15 THE COURT: You were giggling before I even asked you that. Do you have
16 any children?

17 PROSPECTIVE JUROR #012: I have two, a 45 year old and 40 year old.

18 THE COURT: And can you tell us what they do for a living?

19 PROSPECTIVE JUROR #012: One works in telephone poling and the other
20 one is at home ill.

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

22 PROSPECTIVE JUROR #012: Yes.

23 THE COURT: How many times?

24 PROSPECTIVE JUROR #012: Once.

25 THE COURT: Was that civil or criminal?

1 PROSPECTIVE JUROR #012: Criminal.

2 THE COURT: Were you selected to be the foreperson?

3 PROSPECTIVE JUROR #012: No.

4 THE COURT: Without telling us what your verdict was, were you able to

5 reach a verdict?

6 PROSPECTIVE JUROR #012: Yes.

7 THE COURT: Anything about that that experience that would affect your

8 ability to be fair and impartial juror in this case?

9 PROSPECTIVE JUROR #012: No.

10 THE COURT: Any reason why you could not be a completely fair and

11 impartial juror if you were selected to serve?

12 PROSPECTIVE JUROR #012: No.

13 THE COURT: Thank you, sir. Thank you for being here.

14 Ms. Melinda StClair. How long have you lived in Clark County?

15 PROSPECTIVE JUROR #014: I'm a native. I was born and raised here.

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

17 PROSPECTIVE JUROR #014: Forty-seven years.

18 THE COURT: Thank you. Your education and employment background.

19 PROSPECTIVE JUROR #014: High school diploma.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR #014: And I'm self-employed.

22 THE COURT: What do you do?

23 PROSPECTIVE JUROR #014: I own a radiator shop.

24 THE COURT: I'm sorry.

25 PROSPECTIVE JUROR #014: A radiator repair shop.

1 THE COURT: Oh, okay. How long have you done that?
2 PROSPECTIVE JUROR #014: Since 2010.
3 THE COURT: Okay. Your marital status?
4 PROSPECTIVE JUROR #014: Married.
5 THE COURT: Is your husband employed?
6 PROSPECTIVE JUROR #014: Unemployed right now.
7 THE COURT: Do you have children?
8 PROSPECTIVE JUROR #014: We have five.
9 THE COURT: Are any of your kids old enough to be employed?
10 PROSPECTIVE JUROR #014: All of them.
11 THE COURT: All five?
12 PROSPECTIVE JUROR #014: Yes.
13 THE COURT: Okay. I want you to start at the top and tell us what each does
14 for a living.
15 PROSPECTIVE JUROR #014: My oldest works at Walmart in the back doing
16 returns.
17 THE COURT: Okay.
18 PROSPECTIVE JUROR #014: The second one, he cuts concrete.
19 THE COURT: Okay.
20 PROSPECTIVE JUROR #014: The other one lives in Georgia. I'm not sure
21 what he does.
22 THE COURT: You don't know what he does?
23 PROSPECTIVE JUROR #014: He's my stepson.
24 THE COURT: Okay. The fourth one.
25 PROSPECTIVE JUROR #014: She's a stay at home mother.

1 THE COURT: Okay. The fifth one.

2 PROSPECTIVE JUROR #014: She's in college in Texas.

3 THE COURT: Okay. Is that all? That was five.

4 PROSPECTIVE JUROR #014: That was all five.

5 THE COURT: Okay. All right. Have you ever served as a juror before?

6 PROSPECTIVE JUROR #014: No.

7 THE COURT: Any reason why you could not be a completely fair and

8 impartial juror if you were selected to serve?

9 PROSPECTIVE JUROR #014: No.

10 THE COURT: Thank you. Thank you for being here.

11 Mr. Ian --

12 PROSPECTIVE JUROR #015: Urquico.

13 THE COURT: Urquico.

14 PROSPECTIVE JUROR #014: Yes.

15 THE COURT: Is that right?

16 PROSPECTIVE JUROR #014: Yes.

17 THE COURT: Okay. Thank you. How long have you lived in Clark County?

18 PROSPECTIVE JUROR #014: Thirty-two years.

19 THE COURT: Your education background.

20 PROSPECTIVE JUROR #014: I didn't complete high school and I'm a

21 bartender.

22 THE COURT: Okay. How long have you worked as a bartender?

23 PROSPECTIVE JUROR #014: Six years.

24 THE COURT: Okay. Your marital status?

25 PROSPECTIVE JUROR #014: I'm married.

1 THE COURT: Is your wife employed?
2 PROSPECTIVE JUROR #014: Yes.
3 THE COURT: What does your wife do?
4 PROSPECTIVE JUROR #014: Optician.
5 THE COURT: I'm sorry.
6 PROSPECTIVE JUROR #014: Optician.
7 THE COURT: Optician.
8 PROSPECTIVE JUROR #014: Yes.
9 THE COURT: So, fit you for glasses?
10 PROSPECTIVE JUROR #014: Yeah, makes lenses.
11 THE COURT: Okay. Makes lenses. Do you have children?
12 PROSPECTIVE JUROR #014: Yes; two.
13 THE COURT: Two kids. Are they minors?
14 PROSPECTIVE JUROR #014: Yes.
15 THE COURT: Have you ever served as a juror before?
16 PROSPECTIVE JUROR #014: No, ma'am.
17 THE COURT: Okay. Any reason why you could not be a completely fair and
18 impartial juror if you were selected to serve on this panel?
19 PROSPECTIVE JUROR #014: No.
20 THE COURT: Thank you, sir. Thank you for being here.
21 Mona Stammetti. How long have you lived in Clark County?
22 PROSPECTIVE JUROR #020: Twenty-one years.
23 THE COURT: Your education background.
24 PROSPECTIVE JUROR #020: Bachelor of science.
25 THE COURT: In?

1 PROSPECTIVE JUROR #020: Civil engineering.
2 THE COURT: What do you do for a living?
3 PROSPECTIVE JUROR #020: I work for Clark County designing flood
4 control and roadways.
5 THE COURT: Do you work for the government?
6 PROSPECTIVE JUROR #020: Yes.
7 THE COURT: And you design roadways?
8 PROSPECTIVE JUROR #020: Roadways and flood control.
9 THE COURT: Okay. How long have you done that?
10 PROSPECTIVE JUROR #020: Twenty-five years.
11 THE COURT: Okay. Your marital status?
12 PROSPECTIVE JUROR #020: I'm married.
13 THE COURT: Is your husband employed?
14 PROSPECTIVE JUROR #020: Yes.
15 THE COURT: What does he do?
16 PROSPECTIVE JUROR #020: He's a mechanical engineer.
17 THE COURT: Do you have children?
18 PROSPECTIVE JUROR #020: I have two minors.
19 THE COURT: Okay. Have you ever served as a juror before?
20 PROSPECTIVE JUROR #020: Yes.
21 THE COURT: How many times?
22 PROSPECTIVE JUROR #020: One time.
23 THE COURT: Civil or criminal.
24 PROSPECTIVE JUROR #020: Civil.
25 THE COURT: Were you selected to be the foreperson?

1 PROSPECTIVE JUROR #020: No.

2 THE COURT: Without telling us what your verdict was, were you able to
3 reach a verdict?

4 PROSPECTIVE JUROR #020: Yes.

5 THE COURT: Anything about that experience that would affect your ability to
6 be a fair and impartial juror in this particular case?

7 PROSPECTIVE JUROR #020: No.

8 THE COURT: Thank you.

9 Mr. Nicholas Carlyn.

10 PROSPECTIVE JUROR #023: Carlyn.

11 THE COURT: Carlyn. How long have you lived in Clark County?

12 PROSPECTIVE JUROR #023: Sixteen years.

13 THE COURT: Sixteen years?

14 PROSPECTIVE JUROR #023: Mm-hmm.

15 THE COURT: Your education background.

16 PROSPECTIVE JUROR #023: Graduated high school and one year of
17 college.

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

19 PROSPECTIVE JUROR #023: I work at a equipment company, just a
20 coordinator there.

21 THE COURT: Your marital status?

22 PROSPECTIVE JUROR #023: Married.

23 THE COURT: Is your wife employed?

24 PROSPECTIVE JUROR #023: She is.

25 THE COURT: What does she do?

1 PROSPECTIVE JUROR #023: She works at an eye doctor, like a contact
2 lens specialist.

3 THE COURT: Do you have children?

4 PROSPECTIVE JUROR #023: I do. I have one and one on the way.

5 THE COURT: Okay. Congratulations.

6 PROSPECTIVE JUROR #023: So, I'm assuming the one you have is a
7 minor?

8 PROSPECTIVE JUROR #023: Yes.

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

10 PROSPECTIVE JUROR #023: No.

11 THE COURT: Okay. Any reason why you could not be a completely fair and
12 impartial juror if you were selected to serve on this panel?

13 PROSPECTIVE JUROR #023: No.

14 THE COURT: Thank you. Ms. Haber.

15 PROSPECTIVE JUROR #024: Haber.

16 THE COURT: Haber. How long have you lived in Clark County?

17 PROSPECTIVE JUROR #024: It will be two years in May.

18 THE COURT: I'm sorry?

19 PROSPECTIVE JUROR #024: Two years in May.

20 THE COURT: Okay. So, you got a jury summons -- whew -- before it was
21 even two years. They got you like right at the 18 months; didn't they? Okay. Your
22 education background. Well welcome to Clark County. Your education background.

23 PROSPECTIVE JUROR #024: High school diploma.

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

25 PROSPECTIVE JUROR #024: A salon coordinator at a cosmetology school.

1 THE COURT: Your marital status.
2 PROSPECTIVE JUROR #024: Married.
3 THE COURT: Is your husband employed?
4 PROSPECTIVE JUROR #024: No; unemployed.
5 THE COURT: I'm sorry?
6 PROSPECTIVE JUROR #024: Unemployed.
7 THE COURT: Okay. Do you have children?
8 PROSPECTIVE JUROR #024: Five.
9 THE COURT: Five kids. Are any of your five kids old enough to be
10 employed?
11 PROSPECTIVE JUROR #024: Two.
12 THE COURT: Can you tell us what those two do for a living?
13 PROSPECTIVE JUROR #024: Well one's not working. She's a full time
14 student for nursing school and the other one just graduated cosmetology school so
15 she's not working yet either.
16 THE COURT: Did she graduate from the school that you work at?
17 PROSPECTIVE JUROR #024: Yes.
18 THE COURT: Okay. Have you ever served as a juror before?
19 PROSPECTIVE JUROR #024: No.
20 THE COURT: Any reason why you could not be a completely fair and
21 impartial juror if you were selected to serve on this panel?
22 PROSPECTIVE JUROR #024: No.
23 THE COURT: Thank you. Thank you for being here.
24 Mr. Lambert, how long have you lived in Clark County?
25 PROSPECTIVE JUROR #025: Thirty-two years.

1 THE COURT: Your education background.
2 PROSPECTIVE JUROR #025: High school.
3 THE COURT: What do you for a living?
4 PROSPECTIVE JUROR #025: I own a convenience store.
5 THE COURT: Your marital status.
6 PROSPECTIVE JUROR #025: I am married.
7 THE COURT: Is your wife employed?
8 PROSPECTIVE JUROR #025: My wife is employed and she works for the
9 Clark County School District.
10 THE COURT: What does she do?
11 PROSPECTIVE JUROR #025: She orders equipment for special needs
12 children.
13 THE COURT: Do you have any children?
14 PROSPECTIVE JUROR #025: Three.
15 THE COURT: Are any of your kids old enough to be employed?
16 PROSPECTIVE JUROR #025: Yes.
17 THE COURT: Can you tell us what they do for a living?
18 PROSPECTIVE JUROR #025: My two oldest are in college right now and I
19 have a daughter that's in high school.
20 THE COURT: Okay. Have you ever served as a juror before?
21 PROSPECTIVE JUROR #025: No.
22 THE COURT: Any reason why you could not be a completely fair and
23 impartial juror if you are selected to serve on this panel?
24 PROSPECTIVE JUROR #025: No.
25 THE COURT: Thank you, sir.

1 Mr. Robert Allen. How long have you lived in Clark County?

2 PROSPECTIVE JUROR #028: Twenty-eight years.

3 THE COURT: Your education background.

4 PROSPECTIVE JUROR #028: I'm retired from the Air Force after 24 years.

5 THE COURT: Are you currently employed?

6 PROSPECTIVE JUROR #028: Yes; electronic technician.

7 THE COURT: Electronic technician. Your marital status?

8 PROSPECTIVE JUROR #028: Married.

9 THE COURT: Is your wife employed?

10 PROSPECTIVE JUROR #028: Yes; school district food service.

11 THE COURT: Do you have children?

12 PROSPECTIVE JUROR #028: We have three.

13 THE COURT: Are your kids old enough to be employed?

14 PROSPECTIVE JUROR #028: Yes.

15 THE COURT: Can you tell us what they do for a living?

16 PROSPECTIVE JUROR #028: The oldest is a graphic designer, the middle

17 one son is a bartender, and my youngest daughter is a teacher's assistant at the

18 school district.

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

20 PROSPECTIVE JUROR #028: Yes.

21 THE COURT: How many times?

22 PROSPECTIVE JUROR #028: Just once.

23 THE COURT: Civil or criminal?

24 PROSPECTIVE JUROR #028: Civil.

25 THE COURT: Were you selected to be the foreperson?

1 PROSPECTIVE JUROR #028: No.

2 THE COURT: Without telling us what your verdict was, were you able to
3 reach a verdict?

4 PROSPECTIVE JUROR #028: Yes.

5 THE COURT: Anything about that experience that would affect your ability to
6 be a fair and impartial juror if you were selected to serve on this panel?

7 PROSPECTIVE JUROR #028: No.

8 THE COURT: Any reason why you could not be a completely fair and
9 impartial juror if you were selected to serve?

10 PROSPECTIVE JUROR #28: No.

11 THE COURT: Thank you, sir.

12 Mr. Eric Greenwood. How long have you lived in Clark County?

13 PROSPECTIVE JUROR #30: A year and four months.

14 THE COURT: We got you too. Welcome to Clark County. Where'd you move
15 from?

16 PROSPECTIVE JUROR #30: From Houston, Texas.

17 THE COURT: Okay. For a job?

18 PROSPECTIVE JUROR #30: For better seniority. I'm a flight attendant with
19 Southwest Airlines.

20 THE COURT: Okay. So, you work for Southwest Airlines?

21 PROSPECTIVE JUROR #30: Yes, ma'am.

22 THE COURT: Okay. Did you say you were a flight attendant?

23 PROSPECTIVE JUROR #30: Yes, ma'am.

24 THE COURT: Okay. Your education background.

25 PROSPECTIVE JUROR #30: Graduated high school. I was in the Navy,

1 advanced operator school for machinery.

2 THE COURT: Your marital status?

3 PROSPECTIVE JUROR #30: Married.

4 THE COURT: Is your wife employed?

5 PROSPECTIVE JUROR #30: Yes; she's a flight attendant as well.

6 THE COURT: Okay. The same, with Southwest Airlines?

7 PROSPECTIVE JUROR #30: Say again.

8 THE COURT: For Southwest Airlines?

9 PROSPECTIVE JUROR #30: Yes, ma'am.

10 THE COURT: Okay. Do you have children?

11 PROSPECTIVE JUROR #30: Yes, ma'am.

12 THE COURT: How many?

13 PROSPECTIVE JUROR #30: Two sons, 25 and 23.

14 THE COURT: Did you say 25 and 23?

15 PROSPECTIVE JUROR #30: Yes, ma'am.

16 THE COURT: What do they do for a living?

17 PROSPECTIVE JUROR #30: The oldest delivers pizzas and the youngest is

18 unemployed.

19 THE COURT: The youngest is --

20 PROSPECTIVE JUROR #30: He's unemployed.

21 THE COURT: Oh, okay. Have you ever served as a juror before?

22 PROSPECTIVE JUROR #30: No, ma'am.

23 THE COURT: Any reason why you could not be a completely fair and

24 impartial juror if you were selected to serve?

25 PROSPECTIVE JUROR #30: No, ma'am.

1 THE COURT: Thank you. Thank you for being here.

2 Ms. Stephens, how long have you lived in Clark County?

3 PROSPECTIVE JUROR #32: Fifty years.

4 THE COURT: Your education background.

5 PROSPECTIVE JUROR #32: High school.

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

7 PROSPECTIVE JUROR #32: I'm retired.

8 THE COURT: What'd you do before you retired?

9 PROSPECTIVE JUROR #32: I worked at University Medical Center in the

10 surgical department.

11 THE COURT: And what did you do in the surgical department?

12 PROSPECTIVE JUROR #32: Just about everything that didn't require a

13 license.

14 THE COURT: Except operate?

15 PROSPECTIVE JUROR #32: Yeah.

16 THE COURT: I knew you did everything that didn't require a medical license?

17 PROSPECTIVE JUROR #32: Right.

18 THE COURT: Okay. And how long did you do that for?

19 PROSPECTIVE JUROR #32: Twenty years.

20 THE COURT: Wow. Okay. Your marital status?

21 PROSPECTIVE JUROR #32: Single.

22 THE COURT: Do you have any children?

23 PROSPECTIVE JUROR #32: I have two daughters, minors.

24 THE COURT: Are they old enough to be employed?

25 PROSPECTIVE JUROR #32: No; they're minors.

1 THE COURT: Oh, I'm sorry. You said their minors. Have you ever served as
2 a juror before?

3 PROSPECTIVE JUROR #32: No.

4 THE COURT: Any reason why you could not be a completely fair and
5 impartial juror if you were selected to serve?

6 PROSPECTIVE JUROR #32: No.

7 THE COURT: Thank you. Thank you for being here.

8 Ms. Randolph. How long have you lived in Clark County?

9 PROSPECTIVE JUROR #33: Forty-two years.

10 THE COURT: Your education background.

11 PROSPECTIVE JUROR #33: Graduated Rancho High School 1983.

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

13 PROSPECTIVE JUROR #33: I work part-time in a Clark County rec center.

14 THE COURT: Okay. So, you work for the County?

15 PROSPECTIVE JUROR #33: Yes, I do.

16 THE COURT: Your marital status?

17 PROSPECTIVE JUROR #33: Divorced.

18 THE COURT: Do you have children?

19 PROSPECTIVE JUROR #33: One daughter, 25.

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

21 PROSPECTIVE JUROR #33: Never have.

22 THE COURT: Okay. Any reason why you could not be a completely fair and
23 impartial juror if you were selected to serve?

24 PROSPECTIVE JUROR #33: No reason at all.

25 THE COURT: Thank you. Thank you for being here.

1 Ms. Lewis, how long have you lived in Clark County?

2 PROSPECTIVE JUROR #37: Eight years.

3 THE COURT: Your education background.

4 PROSPECTIVE JUROR #37: High school.

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

6 PROSPECTIVE JUROR #37: Dental office manager.

7 THE COURT: I think you told me you now run dental offices?

8 PROSPECTIVE JUROR #37: Yes.

9 THE COURT: So, you're a manager and you manage more than one?

10 PROSPECTIVE JUROR #37: One currently. I've managed multiple in the

11 last ten years.

12 THE COURT: Okay. Your marital status?

13 PROSPECTIVE JUROR #37: Separated.

14 THE COURT: Do you have any children?

15 PROSPECTIVE JUROR #037: Two minors.

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

17 PROSPECTIVE JUROR #037: No.

18 THE COURT: Any reason why you could not be a completely fair and

19 impartial juror if you were selected to serve?

20 PROSPECTIVE JUROR #037: No.

21 THE COURT: Thank you. Thank you for being here.

22 Ms. Smith, how long have you lived in Clark County?

23 PROSPECTIVE JUROR #038: About 11 years.

24 THE COURT: Your education background.

25 PROSPECTIVE JUROR #38: Associates degree in -- this past February I just

1 graduated from UNLV with my paralegal certificate.

2 THE COURT: Okay. Are you currently employed as a paralegal?

3 PROSPECTIVE JUROR #38: No; I'm working here at the courthouse.

4 THE COURT: Oh, that's -- I'm sorry.

5 PROSPECTIVE JUROR #38: That's okay.

6 THE COURT: How embarrassing. You told me you work down at the

7 Information Desk; correct?

8 PROSPECTIVE JUROR #38: Yes. My title is Office Specialist.

9 THE COURT: Okay. How's that going working down at the Information

10 Desk?

11 PROSPECTIVE JUROR #38: Very interesting.

12 THE COURT: I'll bet it is. How long have you done that?

13 PROSPECTIVE JUROR #38: A year now.

14 THE COURT: One year. Do you like it?

15 PROSPECTIVE JUROR #38: Yes; uh-huh.

16 THE COURT: Okay. Your marital status?

17 PROSPECTIVE JUROR #38: Separated.

18 THE COURT: Do you have children?

19 PROSPECTIVE JUROR #038: I have a daughter; she's 24, and my

20 grandson's at home.

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

22 PROSPECTIVE JUROR #038: Yes.

23 THE COURT: How many times:

24 PROSPECTIVE JUROR #38: Once.

25 THE COURT: Civil or criminal?

1 PROSPECTIVE JUROR #38: Civil.

2 THE COURT: Were you selected to be the foreperson?

3 PROSPECTIVE JUROR #38: No.

4 THE COURT: Without telling us what your verdict was, were you able to

5 reach a verdict?

6 PROSPECTIVE JUROR #38: Yes.

7 THE COURT: Anything about that experience that would affect your ability to

8 be fair and impartial in this case?

9 PROSPECTIVE JUROR #38: No.

10 THE COURT: Okay. Any reason why you could not be a completely fair and

11 impartial juror if you were selected to serve on this panel?

12 PROSPECTIVE JUROR #038: No.

13 THE COURT: Thank you.

14 Ms. Mandel, how long have you lived in Clark County?

15 PROSPECTIVE JUROR #041: Forty-seven years nine months.

16 THE COURT: Your education background.

17 PROSPECTIVE JUROR #041: Bachelor of science business administration,

18 marketing.

19 THE COURT: Your marital status?

20 PROSPECTIVE JUROR #041: Single.

21 THE COURT: Do you have any children?

22 PROSPECTIVE JUROR #041: I do not.

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

24 PROSPECTIVE JUROR #041: I have not.

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THE COURT: Any reason why you could not be a completely fair and impartial juror if you were selected to serve on this panel?

PROSPECTIVE JUROR #041: No, ma'am.

THE COURT: Thank you. Okay. Mr. -- now when I get back there if you don't mind standing up. It helps me hear you a little bit better.

Mr. Eugene --

PROSPECTIVE JUROR #42: Kordoban.

THE COURT: Kordoban. There you go.

PROSPECTIVE JUROR #42: Kordoban.

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

PROSPECTIVE JUROR #42: Fifteen years.

THE COURT: Your education background.

PROSPECTIVE JUROR #42: Four plus college years.

THE COURT: So, you have a college degree?

PROSPECTIVE JUROR #42: No.

THE COURT: What'd you study in college?

PROSPECTIVE JUROR #42: Business management.

THE COURT: Okay. What do you do for a living?

PROSPECTIVE JUROR #42: I'm a franchise development direction for new construction at Wyndam Hotels.

THE COURT: For Wyndam Hotels?

PROSPECTIVE JUROR #42: Mm-hmm.

THE COURT: Your marital status?

PROSPECTIVE JUROR #42: Married.

1 THE COURT: Is your wife employed?

2 PROSPECTIVE JUROR #42: Yes; she flips properties for real estate.

3 THE COURT: Do you have children?

4 PROSPECTIVE JUROR #42: Two daughters; one is a stay home mother

5 with my grandbabies, I have two, and the other one is -- she works for real estate

6 and Disneyland in Florida -- Disneyworld. I'm sorry.

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

8 PROSPECTIVE JUROR #42: Twice.

9 THE COURT: Okay. The first one, civil or criminal?

10 PROSPECTIVE JUROR #42: Criminal.

11 THE COURT: Second one, civil or criminal?

12 PROSPECTIVE JUROR #42: Civil.

13 THE COURT: Okay. So, you did one criminal one civil.

14 PROSPECTIVE JUROR #42: Mm-hmm.

15 THE COURT: In either case were you selected to be the foreperson?

16 PROSPECTIVE JUROR #42: On the civil one.

17 THE COURT: On the civil one. So, criminal, you weren't -- civil one you were

18 selected to be the foreperson; correct?

19 PROSPECTIVE JUROR #42: Mm-hmm; yes.

20 THE COURT: Okay. On the criminal case, without telling us what your

21 verdict was, were you able to reach a verdict?

22 PROSPECTIVE JUROR #42: We were, yes.

23 THE COURT: How about the civil case?

24 PROSPECTIVE JUROR #42: Same.

25 THE COURT: Okay. Anything about those experiences in either case that

1 would affect your ability to be fair and impartial in this case?

2 PROSPECTIVE JUROR #42: None.

3 THE COURT: Thank you. Any reason why you could not be a completely fair
4 and impartial juror if you were selected to serve on this panel?

5 PROSPECTIVE JUROR #42: None.

6 THE COURT: Thank you, sir.

7 Ms. Diana Hayes. Have long have you lived in Clark County?

8 PROSPECTIVE JUROR #44: Three years.

9 THE COURT: Your education background?

10 PROSPECTIVE JUROR #44: Six years college.

11 THE COURT: What'd you study?

12 PROSPECTIVE JUROR #44: Cellular and developmental biology, chemistry,
13 and English.

14 THE COURT: Okay. Any degrees?

15 PROSPECTIVE JUROR #44: No.

16 THE COURT: All right. And what do you do for a living?

17 PROSPECTIVE JUROR #44: Twenty-five years with Sterling Jewelers
18 Incorporated known to you as Kay Jewelers and jeweler at the Galleria of Jewelry.

19 THE COURT: What do you do?

20 PROSPECTIVE JUROR #44: I'm a regional manager for the areas of Las
21 Vegas, Utah, Hawaii, and Sparks and Reno, Nevada.

22 THE COURT: Do you ever get to go to Hawaii?

23 PROSPECTIVE JUROR #44: Frequently.

24 THE COURT: Good for you.

25

1 PROSPECTIVE JUROR #44: Yes.
2 THE COURT: Your marital status?
3 PROSPECTIVE JUROR #44: Married.
4 THE COURT: Is your husband employed?
5 PROSPECTIVE JUROR #44: Retired U.S. Park Service law enforcement.
6 THE COURT: That's right. You told us that earlier. Do you have children?
7 PROSPECTIVE JUROR #44: Two step-sons.
8 THE COURT: Are they old enough to be employed?
9 PROSPECTIVE JUROR #44: Yes. Active duty military and sales, retail
10 sales.
11 THE COURT: Have you ever served as a juror before?
12 PROSPECTIVE JUROR #44: No, I have not.
13 THE COURT: Any reason why you could not be a completely fair and
14 impartial juror if you are selected to serve on this panel?
15 PROSPECTIVE JUROR #44: No.
16 THE COURT: Thank you. Thank you for being here.
17 Mr. Torres, how long have you lived in Clark County?
18 PROSPECTIVE JUROR #45: Twenty-three years.
19 THE COURT: Your education background?
20 PROSPECTIVE JUROR #45: Associates of science in multimedia.
21 THE COURT: Will you say it again?
22 PROSPECTIVE JUROR #45: Associates of science in multimedia.
23 THE COURT: Okay. What do you do for a living?
24 PROSPECTIVE JUROR #45: Retail, support sales manager for Nevada
25 State Bank.

1 THE COURT: What does someone with your title do?

2 PROSPECTIVE JUROR #45: A little bit of training and support to the regional

3 managers that manager all of our branches.

4 THE COURT: Okay. Your marital status.

5 PROSPECTIVE JUROR #45: Married.

6 THE COURT: Is your wife employed?

7 PROSPECTIVE JUROR #45: Yes.

8 THE COURT: What does she do for a living?

9 PROSPECTIVE JUROR #45: Massage therapist.

10 THE COURT: Do you have children?

11 PROSPECTIVE JUROR #45: Yes; one.

12 THE COURT: Is that child old enough to be employed?

13 PROSPECTIVE JUROR #45: No; a minor.

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

15 PROSPECTIVE JUROR #45: No.

16 THE COURT: Any reason why you could not be a completely fair and

17 impartial juror if you are selected to serve on this panel?

18 PROSPECTIVE JUROR #45: No.

19 THE COURT: Thank you, sir. Thank you very much for being here.

20 Mr. Bell, how long have you lived in Clark County?

21 PROSPECTIVE JUROR #46: About 40 years.

22 THE COURT: Your education background.

23 PROSPECTIVE JUROR #46: I have a bachelors in business management.

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

25 PROSPECTIVE JUROR #46: I'm a construction inspector for the City of Las

1 Vegas.

2 THE COURT: A construction inspector.

3 PROSPECTIVE JUROR #46: For the City of Las Vegas, yes.

4 THE COURT: Okay. How long have you done that?

5 PROSPECTIVE JUROR #46: Fifteen years.

6 THE COURT: Okay. Your marital status.

7 PROSPECTIVE JUROR #46: Married.

8 THE COURT: Do you have any children?

9 PROSPECTIVE JUROR #46: Two minors.

10 THE COURT: Is your wife employed?

11 PROSPECTIVE JUROR #46: Yes.

12 THE COURT: What does she do?

13 PROSPECTIVE JUROR #46: She is a lifespan faith development director for
14 a Unitarian church.

15 THE COURT: Can you say that one more time?

16 PROSPECTIVE JUROR #46: She is a lifespan faith development director for
17 a Unitarian congregation church.

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

19 PROSPECTIVE JUROR #46: No.

20 THE COURT: Any reason why you could not be a completely fair and
21 impartial juror if you were selected to serve on this panel?

22 PROSPECTIVE JUROR #46: No.

23 THE COURT: Thank you, sir.

24 Mr. Capitanio.

25 PROSPECTIVE JUROR #47: Yes.

1 THE COURT: How long have you lived in Clark County?
2 PROSPECTIVE JUROR #47: Eight years.
3 THE COURT: Your education background.
4 PROSPECTIVE JUROR #47: Three years of college.
5 THE COURT: What'd you study?
6 PROSPECTIVE JUROR #47: Mechanical engineering.
7 THE COURT: What do you do for a living?
8 PROSPECTIVE JUROR #47: I'm an independent contractor for the Review
9 Journal.
10 THE COURT: What do you do?
11 PROSPECTIVE JUROR #47: Home delivery.
12 THE COURT: I'm sorry?
13 PROSPECTIVE JUROR #47: Home delivery.
14 THE COURT: Oh, okay. Your marital status.
15 PROSPECTIVE JUROR #47: Married.
16 THE COURT: Is your wife employed?
17 PROSPECTIVE JUROR #47: Yes; counter attendant at the Signature.
18 THE COURT: Okay. Do you have any children?
19 PROSPECTIVE JUROR #47: Six week old daughter.
20 THE COURT: Oh, wow. Are you sleeping yet?
21 PROSPECTIVE JUROR #47: No.
22 THE COURT: Congratulations.
23 PROSPECTIVE JUROR #47: Thank you.
24 THE COURT: Have you ever served as a juror before?
25 PROSPECTIVE JUROR #47: No.

1 THE COURT: Any reason why you could not be a completely fair and
2 impartial juror if selected to serve?

3 PROSPECTIVE JUROR #47: No.

4 THE COURT: Thank you, sir. Thank you for being here.

5 Mr. Bocage.

6 PROSPECTIVE JUROR #48: Bocage.

7 THE COURT: Bocage. Okay

8 PROSPECTIVE JUROR #48: Sorry about my voice.

9 THE COURT: That's okay. Are you okay?

10 PROSPECTIVE JUROR #48: Yes, I'm fine. I just got through teaching.

11 THE COURT: You're a teacher.

12 PROSPECTIVE JUROR #48: I'm an associate professor at the University of
13 New Orleans. I just got back so the weather kind of got my throat.

14 THE COURT: Okay. How long have you lived in Clark County?

15 PROSPECTIVE JUROR #48: Eighteen years.

16 THE COURT: Your education background.

17 PROSPECTIVE JUROR #48: I have a master's in [indiscernible]
18 communication. I'm basically semi -tired. I work on a directive for the disabled
19 American veterans for the state of Nevada and also, like I'm saying, I'm a HBCU
20 professor at State University and I'm just returning from.

21 THE COURT: You were in New Orleans teaching?

22 PROSPECTIVE JUROR #48: Yes, yes.

23 THE COURT: Okay. But you are a citizen of Clark County?

24 PROSPECTIVE JUROR #48: Yes.

25 THE COURT: All right. Your marital status?

1 PROSPECTIVE JUROR #48: Yes, I'm married.
2 THE COURT: Is your wife employed?
3 PROSPECTIVE JUROR #48: Retired.
4 THE COURT: What'd she do before she retired?
5 PROSPECTIVE JUROR #48: She was a processor with Kodak.
6 THE COURT: A what?
7 PROSPECTIVE JUROR #48: She was a film processor with Eastman Kodak.
8 THE COURT: Do you have children?
9 PROSPECTIVE JUROR #48: Yes, I did.
10 THE COURT: How many?
11 PROSPECTIVE JUROR #48: Two.
12 THE COURT: Are they old enough to be employed?
13 PROSPECTIVE JUROR #48: Yes.
14 THE COURT: What do they do for a living?
15 PROSPECTIVE JUROR #48: One is a recruiter Air Force -- recruiter, the
16 other one is a community liaison policeman for the city of West Jordan, Utah.
17 THE COURT: Okay. So, you said a community liaison police officer?
18 PROSPECTIVE JUROR #48: Yes.
19 THE COURT: So, that child's an actual police officer?
20 PROSPECTIVE JUROR #48: For West Jordan, Utah. He's a -- community
21 relations.
22 THE COURT: Oh, community relations?
23 PROSPECTIVE JUROR #48: Yes.
24 THE COURT: For --
25 PROSPECTIVE JUROR #48: West Jordan Utah Police Department.

1 THE COURT: All right. For the police department. I though you said police
2 in there somewhere.

3 PROSPECTIVE JUROR #48: Yeah, police department.

4 THE COURT: He works for the police department?

5 PROSPECTIVE JUROR #48: Yes.

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

7 PROSPECTIVE JUROR #48: No.

8 THE COURT: Any reason why you could not be a completely fair and
9 impartial juror if you are selected to serve on this panel?

10 PROSPECTIVE JUROR #48: No.

11 THE COURT: Thank you, sir. Again, thank you for being here.

12 Ms. Spaur.

13 PROSPECTIVE JUROR #49: Spar [phonetic].

14 THE COURT: Spaur. I'm striking out every time I pronounce someone's
15 name. I apologize. How long have you lived in Clark County?

16 PROSPECTIVE JUROR #49: Almost eight years.

17 THE COURT: Your education background.

18 PROSPECTIVE JUROR #49: I have a bachelor of arts in film production, an
19 MBA, and a law degree.

20 THE COURT: An MBA and a law degree. What do you do?

21 PROSPECTIVE JUROR #49: I'm an attorney.

22 THE COURT: Okay. Do you do civil?

23 PROSPECTIVE JUROR #49: Yes; construction defect.

24 THE COURT: That's why I don't see you in here.

25 PROSPECTIVE JUROR #49: Yeah; they see me at the dirt court.

1 THE COURT: You're in the dirt court?

2 PROSPECTIVE JUROR #49: Yes.

3 THE COURT: How long have you done that?

4 PROSPECTIVE JUROR #49: I started with Lee, Hernandez which is the firm
5 I work for in January of '08.

6 THE COURT: So, you do exclusively construction defect?

7 PROSPECTIVE JUROR #49: Yes.

8 THE COURT: Okay. You're marital status?

9 PROSPECTIVE JUROR #49: Married.

10 THE COURT: Is your husband employed?

11 PROSPECTIVE JUROR #49: He's currently retired.

12 THE COURT: What'd he do before he was retired?

13 PROSPECTIVE JUROR #49: Prior to retiring he worked for a company that
14 repaired medical equipment for all of the Southwest Medical clinics in the Valley.

15 THE COURT: Do you have any children?

16 PROSPECTIVE JUROR #49: No.

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

18 PROSPECTIVE JUROR #49: No.

19 THE COURT: Any reason why you could not be a completely fair and
20 impartial juror if you are selected to serve on this panel?

21 PROSPECTIVE JUROR #49: None at all.

22 THE COURT: Have you ever practiced criminal law?

23 PROSPECTIVE JUROR #49: When I was in law school I interned with the
24 District of Columbia Public Defender's office. I worked in their mental health division
25 working with ensuring the rights of Defendants who had been found not guilty by

1 reason of insanity. But that's it. And that was in '93. So, not since then.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR #49: Everything else has been civil or

4 administrative.

5 THE COURT: Okay. Thank you. Thank you for being here.

6 Ms. Nicole Fried.

7 PROSPECTIVE JUROR #50: Yes.

8 THE COURT: I got that one right.

9 PROSPECTIVE JUROR #50: Yes, you did.

10 THE COURT: Okay. How long have you lived in Clark County?

11 PROSPECTIVE JUROR #50: About five years.

12 THE COURT: THE COURT: Your education background.

13 PROSPECTIVE JUROR #50: Four years of college and no degree.

14 THE COURT: What'd you study?

15 PROSPECTIVE JUROR #50: Fashion buying merchandising.

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

17 PROSPECTIVE JUROR #50: I am a domestic engineer.

18 THE COURT: Good for you. And you're married?

19 PROSPECTIVE JUROR #50: Yes.

20 THE COURT: And you have children?

21 PROSPECTIVE JUROR #50: No.

22 THE COURT: No children?

23 PROSPECTIVE JUROR #50: Not currently.

24 THE COURT: What does your husband do for a living?

25 PROSPECTIVE JUROR #50: He is one of the VPs at a secure credit

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IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

FREDERICK HARRIS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

S.C. CASE NO. 69093

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APPEAL FROM JUDGMENT OF CONVICTION
(JURY TRIAL)
EIGHTH JUDICIAL DISTRICT COURT
THE HONORABLE JUDGE MICHELLE LEAVITT , PRESIDING

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APPELLANT'S APPENDIX TO THE OPENING BRIEF  
VOLUME IX  
~~~~~

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IN THE SUPREME COURT OF NEVADA

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OPENING BRIEF APPENDIX

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court 17th day of June, 2016. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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