

1 THE COURT: Okay. And you know what – you know what the allegations
2 are in this case, correct?

3 PROSPECTIVE JUROR #097: Yes.

4 THE COURT: 'Cause you heard the District Attorney tell you all yesterday
5 what the allegations were, correct?

6 PROSPECTIVE JUROR #097: Right, yes.

7 THE COURT: And knowing what the allegations are do you think that you will
8 be able to sit and listen to those types of facts again?

9 PROSPECTIVE JUROR #097: Yes.

10 THE COURT: Okay. Even though you know it's going to be difficult?

11 PROSPECTIVE JUROR #097: Yes, I think I could. I don't want to but I will.

12 THE COURT: No. I would be more concerned if you said you wanted to.

13 PROSPECTIVE JUROR #097: Yeah.

14 THE COURT: Okay. You know, I don't think anyone wants to listen –

15 PROSPECTIVE JUROR #097: Yes.

16 THE COURT: -- to that kind of stuff, but –

17 PROSPECTIVE JUROR #097: Right.

18 THE COURT: -- you know that somebody has to, right?

19 PROSPECTIVE JUROR #097: Right.

20 THE COURT: And if you were called upon, you would do that?

21 PROSPECTIVE JUROR #097: Yes.

22 THE COURT: Okay. And you don't think that the fact that you've done this
23 before would interfere with your ability to be fair and impartial in this case, correct?

24 PROSPECTIVE JUROR #097: Correct.

25 THE COURT: Have you or anyone close to you, such as a family member or

1 friend, ever been the victim of a crime?

2 PROSPECTIVE JUROR #097: Yes.

3 THE COURT: Okay. Go ahead.

4 PROSPECTIVE JUROR #097: I was – my house was broken into. I've had
5 three cars stolen. I've been shot at by gang members.

6 THE COURT: Oh, I'm sorry.

7 PROSPECTIVE JUROR #097: And that's about it.

8 THE COURT: Okay. In those cases were the police called?

9 PROSPECTIVE JUROR #097: Yes.

10 THE COURT: And I'm assuming that all happened in Long Beach?

11 PROSPECTIVE JUROR #097: Yes.

12 THE COURT: Okay. Were you happy with the way it was handled by the
13 police?

14 PROSPECTIVE JUROR #097: Very.

15 THE COURT: All right. Anything about those experiences that would affect
16 your ability to be fair and impartial in this case?

17 PROSPECTIVE JUROR #097: No.

18 THE COURT: Okay. Have you or anyone close to you, such as a family
19 member or friend ever been the victim of a sexual assault, sexual abuse or domestic
20 violence?

21 PROSPECTIVE JUROR #097: Not to my knowledge.

22 THE COURT: Okay. Have you or anyone close to you, such as a family
23 member or friend ever been accused of a crime?

24 PROSPECTIVE JUROR #097: Yes.

25 THE COURT: Can you tell me about that?

1 PROSPECTIVE JUROR #097: I've had three uncles that went to prison.
2 THE COURT: Okay. Why don't you tell me – three uncles?
3 PROSPECTIVE JUROR #097: Three uncles.
4 THE COURT: Dad's, mom's siblings, which?
5 PROSPECTIVE JUROR #097: Mom's, mom's brothers.
6 THE COURT: Mom's siblings?
7 PROSPECTIVE JUROR #097: Yes.
8 THE COURT: All three of them were mom's brothers?
9 PROSPECTIVE JUROR #097: Yes.
10 THE COURT: Okay. What did they go to prison for?
11 PROSPECTIVE JUROR #097: One of them – two of them went to prison for
12 armed robbery and one went to prison for murder.
13 THE COURT: Okay. Was it around the same time or was it –
14 PROSPECTIVE JUROR #097: No, it was throughout the years. A couple of
15 my uncles were younger and they had been in and out of jail most of their lives.
16 THE COURT: Okay. Anything about that that would affect your ability to be
17 fair and impartial in this case?
18 PROSPECTIVE JUROR #097: No.
19 THE COURT: Okay. Anything else?
20 PROSPECTIVE JUROR #097: No, that's it.
21 THE COURT: All right. Do you think they were all three treated fairly?
22 PROSPECTIVE JUROR #097: Yes.
23 THE COURT: Okay. Would you have a tendency to give more weight or
24 credence or less weight or credence to the testimony of a police officer, simply
25 because he or she is a police officer?

1 PROSPECTIVE JUROR #097: You know, I really believe I would. I have a
2 great respect for police officers. I've actually applied for the academy of a police
3 officer in Long Beach and passed and was accepted. But my wife kind of talked me
4 out of it, so I wound up turning it down. But I have a great respect for police officers.

5 THE COURT: Okay. And there's nothing wrong with that. But what my
6 question is if – and I told some of the jurors before – if a police officer comes in and
7 testifies, you're going to know that person is a police officer. They'll either be in their
8 uniform or they're going to tell you what they do for a living. Do you understand
9 that?

10 PROSPECTIVE JUROR #097: Yes.

11 THE COURT: Okay. So if we have a police officer that comes in and
12 testifies, would you have a tendency to give more weight or credence or less weight
13 or credence to their testimony, simply because they are a police officer?

14 PROSPECTIVE JUROR #097: I have to be honest that I believe I would
15 probably give more.

16 THE COURT: Okay. So regardless of what they say, just because they're a
17 police officer, their testimony is going to carry more weight and credibility with you?

18 PROSPECTIVE JUROR #097: For the most part yes. I'm not naïve. I know
19 we got some bad cops out there and I know the majority of them are good and
20 they're – they strive to do the best job they can. I've ran into some terrible ones, but
21 I – overall I believe that they're up and up, and I would give them more credibility.

22 THE COURT: Okay. So if someone walks in, they have a badge and a
23 uniform, they're automatically going to have more credibility with you than someone
24 who is not in a uniform?

25 PROSPECTIVE JUROR #097: Well, I wouldn't say just because they walked

1 in. I would probably have to listen to them and see.

2 THE COURT: Okay. Well, that's what I'm trying to get out.

3 PROSPECTIVE JUROR #097: Yeah, right.

4 THE COURT: 'Cause my question is simply because they are police
5 officers –

6 PROSPECTIVE JUROR #097: No.

7 THE COURT: Okay. So simply because a witness is a police officer are they
8 going to get more weight or credibility from you, simply because they're a police
9 officer?

10 PROSPECTIVE JUROR #097: No.

11 THE COURT: Okay. So you'll listen to their testimony?

12 PROSPECTIVE JUROR #097: Yes.

13 THE COURT: Yes. And you'll judge the credibility based upon the
14 instructions on the law, which the Court will give you?

15 PROSPECTIVE JUROR #097: Yes.

16 THE COURT: Okay. So we don't have to worry about if a police officer
17 testifies, you know, they're going to have more credibility with you, simply because
18 they have a badge?

19 PROSPECTIVE JUROR #097: No, not because they have a badge.

20 THE COURT: Okay. So you'll listen to the testimony and the cross-
21 examination and judge their credibility like you would any other witness?

22 PROSPECTIVE JUROR #097: Yes.

23 THE COURT: Okay. If you're selected to be on this panel, can you wait in
24 forming your opinion as to the appropriate result to be reached in this case until
25 you've heard all of the evidence and after you've been instructed on the law by

1 myself? Can you do that?

2 PROSPECTIVE JUROR #097: Yes.

3 THE COURT: Okay. Can you think of any reason why you could not be a
4 completely fair and impartial juror, if you were selected to serve?

5 PROSPECTIVE JUROR #097: No.

6 THE COURT: Thank you.

7 Ms. Luzaich, you can question this juror.

8 MS. LUZAICH: Thank you.

9 Good afternoon. Kids, do you think that it is harder for kids to talk about
10 abuse than it would be for grownups?

11 PROSPECTIVE JUROR #097: I don't know if it would be harder. In my
12 opinion it would be just as hard for a grownup to talk about it. But kids, depending
13 on their age, might come under a little more pressure to talk about it or not to talk
14 about it, whereas an adult might be a little more embarrassed.

15 MS. LUZAICH: Okay. Can you think of a reason or reasons that kids might
16 not tell somebody that they've been being abused – that they have been abused?

17 PROSPECTIVE JUROR #097: Sure. Some of the reasons would probably be
18 fear for thinking they might have done something wrong. Or fear that something
19 might happen to them or someone they love. Or fear that – just, overall just fear of
20 not being accepted.

21 MS. LUZAICH: Okay. Do you think you can listen to the testimony of kids
22 and evaluate that testimony the same as you would any other witness?

23 PROSPECTIVE JUROR #097: Yes, I could.

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

1 PROSPECTIVE JUROR #097: No.

2 MS. LUZAICH: And, you wouldn't automatically believe a child over an adult,
3 simply because they're a child?

4 PROSPECTIVE JUROR #097: No.

5 MS. LUZAICH: If somebody gets on the stand and talks to you about things
6 that they've done that you find to be so incredibly foolish, can you still listen to
7 something that persons says objectively?

8 PROSPECTIVE JUROR #097: Yes.

9 MS. LUZAICH: What about individuals that exchange sex for money, do you
10 have an opinion about that?

11 PROSPECTIVE JUROR #097: No.

12 MS. LUZAICH: So if somebody gets on the stand and tells you that they have
13 in the past exchanged sex for money, can that individual in your mind still be a
14 victim of sexual assault?

15 PROSPECTIVE JUROR #097: Yes.

16 MS. LUZAICH: And can you listen to that person's testimony objectively like
17 you would other people?

18 PROSPECTIVE JUROR #097: Yes.

19 MS. LUZAICH: I mean, clearly, you would take that into consideration, but
20 you won't automatically disbelieve everything they say, simply because they told you
21 that they had exchanged sex for money?

22 PROSPECTIVE JUROR #097: No, there's a reason for everything.

23 MS. LUZAICH: Okay. You've sat here for the last two days and heard all the
24 questions that I have been asking. Is there anything that you think you need to tell
25 us about yourself that'll let us know whether you would be a good juror?

1 PROSPECTIVE JUROR #097: Well, I raised four kids and I have ten
2 grandkids and two great grandkids. I believe I know kids pretty good. I know when
3 my kids are lying, I know that; and some of my grandkids for the closeness I've been
4 with them. But I don't judge them for lying as much as I try to correct them not to do
5 it again.

6 MS. LUZAICH: Okay. Would you consider yourself to be a fair and open-
7 minded person?

8 PROSPECTIVE JUROR #097: For the most part, yes.

9 MS. LUZAICH: What would make you not fair and open-minded?

10 PROSPECTIVE JUROR #097: If it got to a point where I believed that the
11 testimony was absolute truth of one person or another, then I would probably be
12 acceptable to go with that way.

13 MS. LUZAICH: Okay. Earlier you said that on the prior case that you sat on,
14 it was gruesome. When you say gruesome, do you mean violent or?

15 PROSPECTIVE JUROR #097: Violent and very sexual oriented.

16 MS. LUZAICH: Okay. Well, that's what this case is going to be, very sexual
17 oriented.

18 POSPECTIVE JUROR #097: I understand that. And like I said earlier, I don't
19 wish to go through that again, but I believe I'm capable of doing it.

20 MS. LUZAICH: And you would, if selected?

21 PROSPECTIVE JUROR #097: Yes.

22 MS. LUZAICH: Overall, did you enjoy your experience last time?

23 PROSPECTIVE JUROR #097: No.

24 MS. LUZAICH: Why? Because of the nature of what they talked about?

25 PROSPECTIVE JUROR #097: Yes.

1 MS. LUZAICH: Do you remember when that was?

2 PROSPECTIVE JUROR #097: Not exactly, but I believe it was in the late
3 '80s.

4 MS. LUZAICH: Okay. In California?

5 PROSPECTIVE JUROR #097: Yes.

6 MS. LUZAICH: And you know the law in California is very different than the
7 law here?

8 PROSPECTIVE JUROR #097: I have no idea what the difference of the law
9 is but I'm sure I'd be instructed.

10 MS. LUZAICH: You will be, which is what I going to. If there is anything that
11 you remember from the law that the Court read to you in that case, will you promise
12 that you will forget it and only follow the law that Court reads you in this case?

13 PROSPECTIVE JUROR #097: I have a hard time remembering last week.

14 MS. LUZAICH: Fortunately, you're going to have a notepad if you sit, so you'll
15 get to take down the notes. Is there anything about you that would prevent you from
16 being able to sit in judgment?

17 PROSPECTIVE JUROR #097: No.

18 MS. LUZAICH: And if you listen to all the testimony, see any evidence, if
19 you're convinced beyond a reasonable doubt the Defendant committed the crimes
20 that he is charged with, would you be able to say the word guilty?

21 PROSPECTIVE JUROR #097: I most certainly would.

22 MS. LUZAICH: Thank you.

23 The State pass for cause.

24 THE COURT: Okay. The panel is yours.

25 MS. ALLEN: Thank you, Your Honor.

1 Okay. Good afternoon, Mr. Lyons. How are you?

2 PROSPECTIVE JUROR #097: Good.

3 MS. ALLEN: You apparently took your headphones off 'cause you were
4 tired of listening to all this, is that right?

5 PROSPECTIVE JUROR #097: For the most part.

6 MS. ALLEN: I get it. Think my kids feel the same way about me. Do you
7 have a problem with burden of proof?

8 PROSPECTIVE JUROR #097: No, I don't.

9 MS. ALLEN: Okay. You said a minute ago that if you heard someone say
10 something that was the absolute truth, someone comes in here and marches up on
11 the stand and says the light was absolutely red. You were convinced, totally
12 convinced that that person was telling the truth. Would you then shut out whatever
13 other – let's say we have a witness that came in and said the light was absolutely
14 green.

15 PROSPECTIVE JUROR #097: No, I wouldn't shut it out. There's many
16 truths.

17 MS. ALLEN: Okay. But you understand I'm a little concerned about the
18 answer you gave a minute ago where you said if someone comes in and I absolutely
19 believe them, then I'm done. Okay. I – that's it.

20 PROSPECTIVE JUROR #097: Okay.

21 MS. ALLEN: Do you remember saying something to that affect?

22 PROSPECTIVE JUROR #097: Yes, yes.

23 MS. ALLEN: So you understand how that's concerning if – you understand
24 the State goes first and the then defense has a chance to go, right? And so if the
25 State brings in all their witnesses and you absolutely decide before you hear any-

1 thing from the defense that they're all telling the truth and that's the end of it, you
2 shut out anything that we've had to say, you understand that's concerning?

3 PROSPECTIVE JUROR #097: Yes, I do understand and I wouldn't shut you
4 out.

5 MS. ALLEN: Okay. So you'd just take your headphones off.

6 PROSPECTIVE JUROR #097: Well, I can hear you fine. It's just when I was
7 back there in the corner it's hard to hear.

8 MS. ALLEN: I was kidding. Just giving you a hard time. It's late in the day.
9 Okay. You have a lot of grandkids and great grandkids and there's all kinds of kids
10 at your house?

11 PROSPECTIVE JUROR #097: I don't have anybody at home right now.
12 But –

13 MS. ALLEN: Okay. Oh, okay, all right. So it's just you and your wife?

14 PROSPECTIVE JUROR #097: Just – yes.

15 MS. ALLEN: Nice and quiet?

16 PROSPECTIVE JUROR #097: For the most part.

17 MS. ALLEN: The most part. All right. All your kids finally moved out?

18 PROSPECTIVE JUROR #097: Yes.

19 MS. ALLEN: Okay. Was it like moved out, came back in, moved out again
20 with some of them?

21 PROSPECTIVE JUROR #097: One did.

22 MS. ALLEN: One did. There's always one, isn't there?

23 PROSPECTIVE JUROR #097: Yes.

24 MS. ALLEN: Yeah. I always thought I was going to build a one-bedroom
25 house once they're all gone, so they don't come back.

1 What – tell me about being shot at by gang members, what happened?

2 PROSPECTIVE JUROR #097: What had happened is that the wife and I we
3 were much younger and my uncle and his wife, we went over to a place called
4 Shady Acres, which is a miniature golf course.

5 MS. ALLEN: Okay.

6 PROSPECTIVE JUROR #097: And as we was leaving, there was three gang
7 bangers, sort to speak, they were – in LA they're called the Crips.

8 MS. ALLEN: Okay.

9 PROSPECTIVE JUROR #097: And there was a, kind of a little confrontation
10 in the parking lot, we was parked next to 'em. And one of them had said something
11 to my uncle, which was driving his car. And my uncle snapped back at him. But,
12 anyway, there was a confrontation and we got in the cars and left. And they
13 followed us. My uncle dropped me and my wife off at our house, which only about
14 two miles from there. And they followed us and as we was getting out of the car and
15 going in the house, they drove by and shot at us.

16 MS. ALLEN: So a drive by shooting.

17 PROSPECTIVE JUROR #097: Yes.

18 MS. ALLEN: Anybody ever get caught for that?

19 PROSPECTIVE JUROR #097: Yes, they did.

20 MS. ALLEN: Oh, okay. All right. Were they prosecuted?

21 PROSPECTIVE JUROR #097: Yes, they were.

22 MS. ALLEN: Did you testify or anything?

23 PROSPECTIVE JUROR #097: Yes, I did.

24 MS. ALLEN: Oh, okay. All right. And were you happy with the outcome?

25 PROSPECTIVE JUROR #097: Yes.

1 MS. ALLEN: You previously served on a jury, we've talked about that and
2 with a criminal case. And you said that it was sort of explicit, is that correct? There
3 was some explicit sexual content to it?

4 PROSPECTIVE JUROR #097: Yes.

5 MS. ALLEN: Okay. Did it involve children or adults?

6 PROSPECTIVE JUROR #097: It was an adult.

7 MS. ALLEN: Does it concern you at all that this involves -- this could involve
8 children?

9 PROSPECTIVE JUROR #097: Yes, it does.

10 MS. ALLEN: Okay. Why does that concern you?

11 PROSPECTIVE JUROR #097: Because children are very impressionable --

12 MS. ALLEN: Okay.

13 PROSPECTIVE JUROR #097: -- between certain ages. They -- that's when
14 they get their learning from is. And if something like that could happen to a child, it
15 could stick with him for the rest of his life. Some of them come out of it. Some of
16 them with therapy can really be helped. And some of them, they're messed up for
17 the rest of their life. And I think that's just a crying shame. I don't think that a child
18 should ever have to go through something like that or anybody, but especially a
19 child because he's -- he had no defense or she has no defense.

20 MS. ALLEN: Okay. It sounds like you leave out the possibility that someone
21 could make something like that up?

22 PROSPECTIVE JUROR #097: Well, sure. Sure. Yeah. Kids, kids -- every-
23 body lies --

24 MS. ALLEN: Okay.

25 PROSPECTIVE JUROR #097: -- everybody. I mean I don't think there's a

1 soul on earth that hasn't lied.

2 MS. ALLEN: Okay.

3 PROSPECTIVE JUROR #097: You know, so.

4 MS. ALLEN: I'm not going to follow that up with what do you think about
5 lawyers question; just skip that altogether.

6 PROSPECTIVE JUROR #097: And car salesmen.

7 MS. ALLEN: Thank you, Mr. Lyons. I appreciate that.

8 And I am finally, you know, I'm trying to get to talk to some of the
9 people in the back; I think I'm almost done. Can you pass the microphone down
10 that way [indicating]? Yeah, that's fine, since I don't know where the marshal is.
11 He's the one doing it. The end, just the end.

12 Kordoban, Mr. Kordoban –

13 PROSPECTIVE JUROR #042: Yes, ma'am.

14 MS. ALLEN: How are you?

15 PROSPECTIVE JUROR #042: I'm great. Thank you.

16 MS. ALLEN: Okay. I'll try not to be too repetitive. Too late, right? Would –
17 some of the questions I asked earlier regarding where children might feel a safe
18 place, let's say, to report or to talk to somebody about about possible abuse. And I
19 had said things like a CPS worker. Would you agree that a Child Protective
20 Services worker, a social worker, would be someone that you would think a child
21 would feel safe reporting to?

22 PROSPECTIVE JUROR #042: I would think so.

23 MS. ALLEN: Okay. What about a police officer?

24 PROSPECTIVE JUROR #042: To some degree, yes.

25 MS. ALLEN: Okay. To some degrees. How about, like, a school counselor?

1 PROSPECTIVE JUROR #042: Yes.

2 MS. ALLEN: Or just a teacher even?

3 PROSPECTIVE JUROR #042: Teacher, yeah.

4 MS. ALLEN: Okay. What about a psychiatrist?

5 PROSPECTIVE JUROR #042: I think so, in the circumstances that they'd be
6 in probably a period of time talking to them, so.

7 MS. ALLEN: Okay. You – they – these are instances of people that generally
8 – I think most people think of them as being safe, is that right?

9 PROSPECTIVE JUROR #042: Yes, I would.

10 MS. ALLEN: Okay. Do you agree that – well, let me ask you do you –
11 automatically are you going to believe a child over an adult?

12 PROSPECTIVE JUROR #042: No.

13 MS. ALLEN: Okay. All right. Do you think everybody motivations, whether
14 they're coming in here to testify or sit at tables or sit in the back row, everybody has
15 a motivation, is that correct when it comes to certain things?

16 PROSPECTIVE JUROR #042: To be – yeah –

17 MS. ALLEN: Okay.

18 PROSPECTIVE JUROR #042: To be here, sure.

19 MS. ALLEN: And motivation sometimes cause us to lie or be dishonest?

20 PROSPECTIVE JUROR #042: To protect their peer pressure or their own
21 ego or whatever, yes.

22 MS. ALLEN: Do you think peer pressure necessarily has to come from
23 outside, from friends? Or, can it come internally from, let's say, siblings?

24 PROSPECTIVE JUROR #042: Siblings, I have five brothers, so yeah.

25 MS. ALLEN: Oh, five boys; so six boys, total?

1 PROSPECTIVE JUROR #042: Uh-huh.

2 MS. ALLEN: Wow, okay. All right. Were you the youngest, oldest, middle?

3 PROSPECTIVE JUROR #042: I was – my older brother stayed with my real

4 dad. The guy got divorced so I was the oldest of the five.

5 MS. ALLEN: Oldest of five.

6 PROSPECTIVE JUROR #042: Um-huh.

7 MS. ALLEN: Okay. All right. Did the little ones follow you around –

8 PROSPECTIVE JUROR #042: Oh, yeah.

9 MS. ALLEN: -- and annoy you?

10 PROSPECTIVE JUROR #042: There's enough span of time to – yeah.

11 MS. ALLEN: Did they annoy you? Were they good to you?

12 PROSPECTIVE JUROR #042: Well, I was the babysitter all the time 'cause I

13 was always the –

14 MS. ALLEN: Ah.

15 PROSPECTIVE JUROR #042: -- the older one.

16 MS. ALLEN: Oh, you got that job?

17 PROSPECTIVE JUROR #042: Yeah.

18 MS. ALLEN: Okay. All right. Did you see, I guess since you were

19 babysitting, did – let me ask you, were you somewhat resentful about having to

20 babysit your siblings?

21 PROSPECTIVE JUROR #042: No.

22 MS. ALLEN: You weren't resentful at all?

23 PROSPECTIVE JUROR #042: No, not at all.

24 MS. ALLEN: Okay. You didn't feel like you were sort of abandoned with the

25 kids?

1 PROSPECTIVE JUROR #042: No, I – no, I was pretty athletic, so I still got to
2 play a lot of sports, so.

3 MS. ALLEN: Okay. Were you the disciplinarian? Were you --

4 PROSPECTIVE JUROR #042: Yeah, always, um-huh.

5 MS. ALLEN: Firm hand?

6 PROSPECTIVE JUROR #042: Sorry?

7 MS. ALLEN: Firm hand? You always had them under control?

8 PROSPECTIVE JUROR #042: Yeah, I think so or pretty much so, yeah,
9 'cause I was – 'cause of the span of years between us all.

10 MS. ALLEN: Okay. All right. Do you think that a child can make up
11 allegations and I don't just mean sexual allegations, I mean anything; they can make
12 anything up?

13 PROSPECTIVE JUROR #042: Making up stories, you mean?

14 MS. ALLEN: Yeah. Do you think children can make that up?

15 PROSPECTIVE JUROR #042: I think so, uh-huh.

16 MS. ALLEN: Would you agree that with some of the other jurors I talked to
17 that – like sex is more accessible now?

18 PROSPECTIVE JUROR #042: Completely more.

19 MS. ALLEN: Okay. A lot more, right?

20 PROSPECTIVE JUROR #042: Yeah.

21 MS. ALLEN: As – I think someone, Mr. Greenwood, you know you go to the
22 library like 20 years ago, now it's just turn on a computer, right?

23 PROSPECTIVE JUROR #042: That's most definitely.

24 MS. ALLEN: Or the TV? It's very easy to get an idea, isn't it?

25 PROSPECTIVE JUROR #042: That's correct.

1 MS. ALLEN: Okay. Okay. Is there anything else I asked anybody that you
2 wouldn't approve or any of those fun things that you thought, I really have to answer
3 that question?

4 PROSPECTIVE JUROR #042: I think generally speaking I'm a very fair and
5 impartial person. So I think I read people well and I've been in the people business,
6 the hotel business, et cetera, so.

7 MS. ALLEN: Okay.

8 PROSPECTIVE JUROR #042: So I've been around that. So pretty strong
9 with listening to all sides and had a lot of employees and et cetera like that.

10 MS. ALLEN: Sound like you want to be on the jury?

11 PROSPECTIVE JUROR #042: To a degree. You know, I mean I – it's like
12 when I got drafted and I'm a Vietnam veteran. Well, I think there's a responsibility
13 for us all to participate. And if I was sitting over there, I'd want to have, have some-
14 body that cares enough to hear the facts and be a part of it.

15 MS. ALLEN: Okay. So you believe both sides are entitled to a fair trial?

16 PROSPECTIVE JUROR #042: Very much so.

17 MS. ALLEN: All right. And you understand what's at stake here?

18 PROSPECTIVE JUROR #042: Pardon?

19 MS. ALLEN: You understand what's at stake here, is that correct?

20 PROSPECTIVE JUROR #042: Yes.

21 MS. ALLEN: It's very serious?

22 PROSPECTIVE JUROR #042: Very serious, yeah.

23 MS. ALLEN: Okay. Thank you very much.

24 PROSPECTIVE JUROR #042: Thank you.

25 MS. ALLEN: Ms. Spaur –

1 PROSPECTIVE JUROR #049: Yes.

2 MS. ALLEN: -- how are you? If you can pass –

3 PROSPECTIVE JUROR #049: I can hear you.

4 MS. ALLEN: How are you? You're a attorney?

5 PROSPECTIVE JUROR #049: Yes.

6 MS. ALLEN: And how excited were you to get the jury summons?

7 PROSPECTIVE JUROR #049: It's kind of like, ooh, I could miss work for a

8 day or two. I was kind of – the one, I actually postponed, 'cause my original

9 summons came around when I was really busy, but fortunately things are quieter

10 now, so my boss isn't e-mailing me every 30 seconds.

11 MS. ALLEN: I had – I received one and I actually got called and sat in. I

12 didn't get picked, but I got to sit and it's a totally different perspective –

13 PROSPECTIVE JUROR #049: It really is.

14 MS. ALLEN: -- picking a jury versus sitting there, is that correct?

15 PROSPECTIVE JUROR #049: It absolutely is.

16 MS. ALLEN: And I was so excited that I thought I'd – you know, I thought,

17 wow, I get to actually sit on a jury. Do you kind of feel that?

18 PROSPECTIVE JUROR #049: Actually, I have been thinking about it and I –

19 would be, I think, an opportunity, I think. I agree with some of the other jurors like

20 Mr. Kordoban says, you know, it's a part of citizenship and service and –

21 MS. ALLEN: Okay.

22 PROSPECTIVE JUROR #049: -- and it would be an honor to serve.

23 MS. ALLEN: Okay. The charges bother you at all?

24 PROSPECTIVE JUROR #049: I think the severity of the charges certainly

25 bother me because it's very serious and some difficult issues and I'm sure difficult

1 facts; but – and I'm sure no one would look forward to going through it, but you
2 know, it's a part of the process and the Defendant is entitled to a fair hearing and a
3 fair trial and the State's entitled to fair opportunity to present their case, so –

4 MS. ALLEN: Okay.

5 PROSPECTIVE JUROR #049: -- we'd just have to listen.

6 MS. ALLEN: Okay. And you think you're pretty impartial? You can be fair
7 and impartial?

8 PROSPECTIVE JUROR #049: Absolutely.

9 MS. ALLEN: Listen to both sides?

10 PROSPECTIVE JUROR #049: Absolutely.

11 MS. ALLEN: Okay. Do you think that you possess, because I assume you've
12 cross-examined some people or that you've examined people on the stand?

13 PROSPECTIVE JUROR #049: I've actually only participated in one trial and
14 I'm – I was second chair and my boss kinda forgot to – that he was going to let me
15 cross-examine a couple of witnesses. So I've prepared testimony but I haven't
16 actually examined witnesses personally.

17 MS. ALLEN: Have you done depositions?

18 PROSPECTIVE JUROR #049: Yes.

19 MS. ALLEN: Okay. So –

20 PROSPECTIVE JUROR #049: I mean I have done that. But – yes.

21 MS. ALLEN: Okay. So depositions are – you can –

22 PROSPECTIVE JUROR #049: Similar, yes.

23 MS. ALLEN: When you're in a deposition do you – you sort of have to assess
24 people as you're questioning them, would you agree?

25 PROSPECTIVE JUROR #049: Yes.

1 MS. ALLEN: Okay. And depending on what it is, I mean personal injury is
2 obviously different than construction defect or, you know, securities fraud –
3 whatever it is, they're all different. But you're still assessing the credibility of a
4 person sitting in front of you?

5 PROSPECTIVE JUROR #049: Right.

6 MS. ALLEN: And how they respond to the question, correct?

7 PROSPECTIVE JUROR #049: Yes.

8 MS. ALLEN: And their demeanor on the stand?

9 PROSPECTIVE JUROR #049: Yes.

10 MS. ALLEN: Okay. So do you think you possess a special talent for that
11 because of what you do; assessing people's credibility?

12 PROSPECTIVE JUROR #049: I don't know if I'd call it a special talent. I
13 think I have developed the skill –

14 MS. ALLEN: Um-huh.

15 PROSPECTIVE JUROR #049: -- of assessing credibility if someone is in the
16 process of testifying and observing, you know. When I'm either doing the direct
17 examination or the cross-examination myself, when I'm doing the questioning, you
18 know I have to kind of figure out where they're going and what questions need to be
19 followed up on and what, you know, the demeanor of the witness. And so I think I
20 have picked up the skill of evaluating someone who's testifying.

21 MS. ALLEN: All right. Was there anything that I mentioned earlier to any of
22 the other jurors that struck you, that again, as I said to Mr. Kordoban, like, oh, I have
23 to answer that; let me just jump up right now and, like now –

24 PROSPECTIVE JUROR #049: No.

25 MS. ALLEN: Nothing that exciting?

1 PROSPECTIVE JUROR #049: No. I – you know, I think you know, think I’ve
2 pretty much addressed the issues that both sets of attorneys might have with me.

3 MS. ALLEN: Okay. I appreciate it. If you could just hand the microphone to
4 Mr. Bocage.

5 PROSPECTIVE JUROR #048: Bocage [pronounces name].

6 MS. ALLEN: Bocage [pronounces name]. Good afternoon. How are you?

7 PROSPECTIVE JUROR #048: Good afternoon.

8 MS. ALLEN: Did your voice get any better?

9 PROSPECTIVE JUROR #048: It’s getting a little better.

10 MS. ALLEN: A little better. What’s the weather like now in Louisiana?

11 PROSPECTIVE JUROR #048: Well, the problem – this year it’s part my fault
12 because I was doing Mardi Gras, so I kind of overdid it a little bit after school, so,
13 being honest.

14 MS. ALLEN: Okay. Were you – I didn’t know if I caught this but were you
15 raised in Louisiana?

16 PROSPECTIVE JUROR #048: Yes.

17 MS. ALLEN: What part?

18 PROSPECTIVE JUROR #048: New Orleans.

19 MS. ALLEN: New Orleans.

20 PROSPECTIVE JUROR #048: Right.

21 MS. ALLEN: Okay. Great place.

22 PROSPECTIVE JUROR #048: Went to an all boys’ school, so you know.

23 MS. ALLEN: And then you broke free and came to Vegas?

24 PROSPECTIVE JUROR #048: No, I went Salt Lake City.

25 MS. ALLEN: Oh, okay. So you went to Salt Lake City. What did you do in

1 Salt Lake City?

2 PROSPECTIVE JUROR #048: I was the HR director for Sperry Univac.

3 MS. ALLEN: Okay. And then from Salt Lake City here?

4 PROSPECTIVE JUROR #048: Salt Lake City here.

5 MS. ALLEN: All right.

6 PROSPECTIVE JUROR #048: And now I'm a director with the Disabled
7 American Veterans.

8 MS. ALLEN: Okay. Did you serve in the military?

9 PROSPECTIVE JUROR #048: Absolutely.

10 MS. ALLEN: Okay. I apologize. It's been two days and I know it seems long
11 for you, but it's even longer for us. And what branch?

12 PROSPECTIVE JUROR #048: Navy, but I took care of the Marines. I was a
13 hospital corpsman.

14 MS. ALLEN: Okay. All right. And how long were you in the military?

15 PROSPECTIVE JUROR #048: Four years.

16 MS. ALLEN: Four years, okay. You go down to – how long did you live in
17 Louisiana before you moved out.

18 PROSPECTIVE JUROR #048: Okay. I lived in – I left Louisiana in 1960.

19 MS. ALLEN: Okay. And now – and you haven't gone back to live, is that
20 right, since?

21 PROSPECTIVE JUROR #048: Oh, no, I haven't gone back to live.

22 MS. ALLEN: Okay.

23 PROSPECTIVE JUROR #048: But I been teaching down there. That
24 program that I'm in, this is my 30th year.

25 MS. ALLEN: Okay. And so you fly down there?

1 PROSPECTIVE JUROR #048: Yes.

2 MS. ALLEN: To teach?

3 PROSPECTIVE JUROR #048: Yes.

4 MS. ALLEN: Okay. How often do you fly down there?

5 PROSPECTIVE JUROR #048: Say it again.

6 MS. ALLEN: How often do you fly down there? Back to –

7 PROSPECTIVE JUROR #048: Once a year.

8 MS. ALLEN: Just once a year?

9 PROSPECTIVE JUROR #048: Yes.

10 MS. ALLEN: Oh, okay. And how long are you there?

11 PROSPECTIVE JUROR #048: Two weeks.

12 MS. ALLEN: All right. Would you say that Louisiana has changed, that New

13 Orleans has changed since you moved?

14 PROSPECTIVE JUROR #048: Absolutely.

15 MS. ALLEN: Okay. Good, bad, indifferent?

16 PROSPECTIVE JUROR #048: You got to realize I was come up in the '50s,

17 so –

18 MS. ALLEN: Okay. I understand.

19 PROSPECTIVE JUROR #048: Okay. I'm 72, so.

20 MS. ALLEN: Well, you don't look it.

21 PROSPECTIVE JUROR #048: Thank you.

22 MS. ALLEN: But you understand – okay, so I understand what you're telling

23 me and it is – we're talking about a totally different era.

24 PROSPECTIVE JUROR #048: Um-huh.

25 MS. ALLEN: But do you think it changed for the better?

1 PROSPECTIVE JUROR #048: Absolutely.

2 MS. ALLEN: Okay. Would you say that Louisiana, in general, is like no other
3 part of the country?

4 PROSPECTIVE JUROR #048: Absolutely.

5 MS. ALLEN: Not just 'cause you lived there or you're wearing a Saints jacket
6 but it's like no other part of the country, isn't that right?

7 PROSPECTIVE JUROR #048: It's very friendly, okay, you know.

8 MS. ALLEN: Okay. Very friendly.

9 PROSPECTIVE JUROR #048: And it always been that way even in the '50s,
10 I think –

11 MS. ALLEN: Okay.

12 PROSPECTIVE JUROR #048: -- you know, the relationship with the people
13 out in Louisiana –

14 MS. ALLEN: Okay.

15 PROSPECTIVE JUROR #048: -- is quite different; it's not in other places.

16 MS. ALLEN: What about the people? Do you think the people are different
17 than anywhere in the country?

18 PROSPECTIVE JUROR #048: Friendly.

19 MS. ALLEN: Friendly?

20 PROSPECTIVE JUROR #048: Yeah.

21 MS. ALLEN: Okay. There are other things that are different about Louisiana
22 than other states, like they use a different law, like legal system, is that correct?

23 PROSPECTIVE JUROR #048: Okay. Now –

24 MS. ALLEN: The French Civil Code?

25 PROSPECTIVE JUROR #048: Yeah. My mom used to tell me that Louisiana

1 is totally different when it comes down to their politics.

2 MS. ALLEN: Okay.

3 PROSPECTIVE JUROR #048: Because, you know, she tell me this is a
4 crook, but I'm going to vote for him anyway.

5 MS. ALLEN: Fair enough.

6 PROSPECTIVE JUROR #048: So, you know, we –

7 MS. ALLEN: Well, at least she was honest, at least she was honest.

8 PROSPECTIVE JUROR #048: Right. And then, of course, everybody know
9 that our previous mayor, a friend of mine, you know he's going to be going to jail, so.

10 MS. ALLEN: It happens.

11 PROSPECTIVE JUROR #048: Happens.

12 MS. ALLEN: It happens, okay. So you've served in the military and you're,
13 obviously, well-educated. And I have to ask are you – is this something you want to
14 do is serve on a jury?

15 PROSPECTIVE JUROR #048: Yes.

16 MS. ALLEN: Have you ever – have you done it before?

17 PROSPECTIVE JUROR #048: No.

18 MS. ALLEN: Never done it before.

19 PROSPECTIVE JUROR #048: No.

20 MS. ALLEN: Wow, that's surprising. Retired military, we get a lot of retired
21 military in our jury pools. You must have been in Louisiana every time the summons
22 came.

23 PROSPECTIVE JUROR #048: Well, I had to postpone this one because it
24 was during the time I was teaching.

25 MS. ALLEN: I understand.

1 PROSPECTIVE JUROR #048: So I had to reschedule.

2 MS. ALLEN: Is this case going to present difficulties, based upon the nature
3 of the charges for you?

4 PROSPECTIVE JUROR #048: No.

5 MS. ALLEN: No. You think you can still be impartial regardless of the
6 charges?

7 PROSPECTIVE JUROR #048: Absolutely.

8 MS. ALLEN: Okay. Do you – you recall the questions I was asking about sex
9 and the media and television. Did you agree with some of the jurors, previous jurors
10 who answered those questions?

11 PROSPECTIVE JUROR #048: Oh, sure.

12 MS. ALLEN: Okay. That it's more out there now than it was let's say even 20
13 years ago?

14 PROSPECTIVE JUROR #048: Oh, absolutely.

15 MS. ALLEN: Things have changed a lot in the last 20 or 30 years?

16 PROSPECTIVE JUROR #048: Yes.

17 MS. ALLEN: In the media –

18 PROSPECTIVE JUROR #048: Yes.

19 MS. ALLEN: -- is that correct? Okay. And it's much more accessible to
20 children now?

21 PROSPECTIVE JUROR #048: Yes.

22 MS. ALLEN: Okay. Thank you very much.

23 PROSPECTIVE JUROR #048: Yeah.

24 MS. ALLEN: I hope your voice gets better.

25 PROSPECTIVE JUROR #048: I hope so.

1 MS. ALLEN: If we could go down this way [obtaining microphone]. Thank
2 you. Okay. Let's see you are Ms. Barlow, is that right?

3 PROSPECTIVE JUROR #051: Um-huh.

4 MS. ALLEN: Okay. And you're a teacher.

5 PROSPECTIVE JUROR #051: Yes.

6 MS. ALLEN: And so you've heard a mandatory reporter being thrown out a
7 lot?

8 PROSPECTIVE JUROR #051: Yes.

9 MS. ALLEN: Okay. So can you explain specifically what that is 'cause I'm not
10 that any – I don't know if anybody else gave a specific explanation.

11 PROSPECTIVE JUROR #051: Well, if you suspect any physical or emotional
12 or neglect, you need to – you have to report it.

13 MS. ALLEN: And what happens if it's – comes to someone's attention that
14 you don't? Are there consequences if you don't report?

15 PROSPECTIVE JUROR #051: Yes.

16 MS. ALLEN: And what would those consequences be?

17 PROSPECTIVE JUROR #051: The – your principal would talk to you and,
18 depending what the district decides, you could lose your job.

19 MS. ALLEN: Do you know if you can – I apologize.

20 PROSPECTIVE JUROR #051: Right.

21 MS. ALLEN: Do you know if you can be charged with a crime?

22 PROSPECTIVE JUROR #051: I am not – I'm sure. I'm not sure, though;
23 actually, I'm not sure.

24 MS. ALLEN: You're not sure.

25 PROSPECTIVE JUROR #051: I just know my responsibility.

1 MS. ALLEN: Okay. And you said before that you really didn't – you hadn't at
2 least come across any teachers or people you worked with that you thought were
3 hesitant to report?

4 PROSPECTIVE JUROR #051: No.

5 MS. ALLEN: Everybody you know has been very forthcoming with that?

6 PROSPECTIVE JUROR #051: Yes.

7 MS. ALLEN: And if – let's say, that they're – you reported. Actually, you did.
8 You reported something. Did other teachers in your school know about it?

9 PROSPECTIVE JUROR #051: No.

10 MS. ALLEN: Okay. You were the only one –

11 PROSPECTIVE JUROR #051: Yeah.

12 MS. ALLEN: -- and the principal?

13 PROSPECTIVE JUROR #051: Um-huh.

14 MS. ALLEN: Yes. Okay. Thank you very much.

15 Miss Hiatt.

16 PROSPECTIVE JUROR #053: Yes.

17 MS. ALLEN: How are you?

18 PROSPECTIVE JUROR #053: I'm good. How are you?

19 MS. ALLEN: I'm good. Thank you. Just – I've asked a bunch of questions of
20 a bunch of the jurors over here and, hopefully, you've been listening to some of it.
21 So without completely regurgitating everything, obviously, you think you can be fair
22 and impartial, you answered those questions earlier. Is that correct?

23 PROSPECTIVE JUROR #053: Yes, that's correct.

24 MS. ALLEN: The charges don't bother you in the least?

25 PROSPECTIVE JUROR #053: I wouldn't say they don't bother me, but –

1 MS. ALLEN: Okay.

2 PROSPECTIVE JUROR #053: -- I will do what I have to do and be impartial
3 with, you know, and listen to all the, you know, the information before you make a
4 judgment.

5 MS. ALLEN: Okay. Do you think that children are capable of -- again, making
6 up stories? I don't mean specific to what we're talking about here --

7 PROSPECTIVE JUROR #053: Right.

8 MS. ALLEN: -- but just in general?

9 PROSPECTIVE JUROR #053: Definitely.

10 MS. ALLEN: Okay. Carrying it forward, you think that they have the ability to
11 make up stories with regard to things such as what we are talking about here?

12 PROSPECTIVE JUROR #053: Yes, I -- it depends on the age, of course --

13 MS. ALLEN: Okay.

14 PROSPECTIVE JUROR #053: -- as to maybe how significant the situation is
15 or how, you know, how they can give details. But, yes, I believe they can.

16 MS. ALLEN: Okay. So details would be important, is that correct?

17 PROSPECTIVE JUROR #053: Yes. Yes.

18 MS. ALLEN: Okay. All right. What about this idea of talking, that there are
19 potentially safe people to talk to like a CPS worker.

20 PROSPECTIVE JUROR #053: Uh-huh.

21 MS. ALLEN: Would you agree with that?

22 PROSPECTIVE JUROR #053: Yes.

23 MS. ALLEN: Okay. What about a police officer?

24 PROSPECTIVE JUROR #053: Yes. You would hope so.

25 MS. ALLEN: Okay. Psychiatrists, school counselors, things such as that?

1 PROSPECTIVE JUROR #053: Um-huh. I think anyone in authority of that
2 nature that deal with children especially, you would hope they would feel
3 comfortable enough to discuss it with them.

4 MS. ALLEN: Okay. I think Ms. Luzaich asked you, I can't remember if she
5 specifically asked you, I know she asked I think everybody, but – about the
6 prostitution, sex for money –

7 PROSPECTIVE JUROR #053: Uh-huh.

8 MS. ALLEN: -- that doesn't bother you, does it?

9 PROSPECTIVE JUROR #053: No.

10 MS. ALLEN: Okay.

11 If I may have the Court's indulgence for just a moment?

12 THE COURT: You bet.

13 MS. ALLEN: Thank you. [Conferring with co counsel]. Your Honor, I think
14 the defense will pass for cause at this time.

15 THE COURT: Okay. Both parties having passed the panel for cause, at this
16 time, the Clerk has prepared what has been marked as Court's Exhibit Number 1.
17 And the State of Nevada may exercise their first peremptory challenge.

18 Let me just ask, I know we've been in here all afternoon, is everyone
19 okay? Does anyone need a break?

20 PROSPECTIVE JUROR #040: But there's something that I need to say or
21 ask?

22 THE COURT: Okay. Can I have the – just you hang onto it, Ms. Luzaich?

23 MS. LUZAICH: Sure.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR #040: It's just something that, you know, I just

1 thought about.

2 THE COURT: Okay. Your name and badge number.

3 PROSPECTIVE JUROR #040: Kathleen Smith, badge 40. My concern just is
4 that if I were selected would I still be able to work my job downstairs at the
5 information desk? We open – we start at six in the morning, doors open at seven.
6 And you made mention that court would start like about 10, 10:30.

7 THE COURT: Oh, sure. I don't care what you do before we're up here.

8 PROSPECTIVE JUROR #040: All right. Because I – well, my concern was
9 with some of the witnesses coming through, that they would see me at the
10 information desk and then see me here in the courtroom. And I don't want them to –
11 I don't want anybody to be feeling uncomfortable that – well, she's there –

12 THE COURT: As long as you wear a – if you're selected, as long as you wear
13 a badge that identifies you as a juror in Department XII, I'm okay. And as long as
14 you don't talk to anybody. If you feel like that's going to be a problem, then I'll tell
15 you don't work at the information desk. Okay.

16 PROSPECTIVE JUROR #040: Okay.

17 THE COURT: Are you okay with that?

18 PROSPECTIVE JUROR #040: Yes, I am.

19 THE COURT: Okay. So your concern was maybe witnesses coming to you
20 and asking you questions?

21 PROSPECTIVE JUROR #040: No, just would they feel uncomfortable that if
22 they saw me at the information desk and then they see me in the courtroom and
23 say, well, she's both places?

24 THE COURT: No. So it's just a concern?

25 PROSPECTIVE JUROR #040: Right.

1 THE COURT: Thank you for letting us know that.

2 State can exercise – let me just – does anyone need a break? ‘Cause
3 this may take awhile. Okay. So if one person wants a break, we all need to take a
4 break. What I’m going to try to –

5 PROSPECTIVE JUROR #030: Five minutes, five minute pee break.

6 UNIDENTIFIED PROSPECTIVE JUROR: Five minutes or –

7 PROSPECTIVE JUROR #030: Ten minute pee break, to be straight.

8 THE COURT: Okay. So we’ll take about a ten minute recess. If you can try
9 to limit it to ten minutes, so we can get back ‘cause this is all we have to do. And
10 then I’m going to let – if you’re not chosen, you’ll be able to go home. Remember, I
11 have to read the admonition.

12 During this recess, you’re admonished not to talk or converse amongst
13 yourselves or with anyone else on any subject connected with this trial or read,
14 watch or listen to any report of or commentary on the trial or any person connected
15 with this trial by any medium of information, including without limitation newspapers,
16 television, the Internet or radio; or form or express any opinion on any subject
17 connected with this trial ‘til the case is finally submitted to you.

18 We’re in recess for ten minutes. Thank you.

19 [Recess taken from 4:42 p.m. to 4:51 p.m.]

20 [In the presence of the prospective jury panel]

21 THE COURT: Do the parties stipulate to the presence of the jury panel?

22 MS. LUZAICH: Yes, ma’am.

23 MS. ALLEN: Yes, Your Honor.

24 THE COURT: Okay. Have both sides exercised their first challenge?

25 MS. LUZAICH: Oh, no, the State did.

1 [The State exercises its first peremptory challenge]
2 THE COURT: Okay. And the defense may now exercise their –
3 MS. ALLEN: Thank you.
4 THE COURT: I'm sorry. The defense may now exercise their first challenge.
5 [The Defense exercises its first peremptory challenge]
6 MS. LUZAICH: Oh.
7 THE COURT: Will you bring – I like to see it in –
8 MS. ALLEN: Oh, I'm sorry.
9 THE COURT: That's okay. I just like to see it in between –
10 MS. LUZAICH: Oh.
11 MS. ALLEN: Understood.
12 THE COURT: – just in case.
13 State of Nevada may exercise their second peremptory challenge.
14 [The State exercises its second peremptory challenge]
15 MS. LUZAICH: You put a two.
16 MS. ALLEN: I am so tired; here, sorry, sorry, sorry. Here --
17 MS. LUZAICH: Judge, just for the record, the defense put a two.
18 MS. ALLEN: Two.
19 MS. LUZAICH: So she's changing it to a one –
20 MS. ALLEN: To a one. Do you want me to initial it?
21 MS. LUZAICH: – for her first preempt.
22 MS. ALLEN: And sorry.
23 THE COURT: You know what? I actually wrote a two down too.
24 MS. ALLEN: I'm –
25 THE COURT: So I just –

1 MS. ALLEN: It's just been a long day.

2 THE COURT: It's been a long day.

3 MS. ALLEN: I'll initial it.

4 THE COURT: So thank you. If you will just initial it, I would appreciate –
5 thank you very much.

6 MS. ALLEN: Thank you. Sorry about that.

7 THE COURT: A whole lot of good I did checking it.

8 [Colloquy between the defense counsel]

9 [The Defense exercises its second peremptory challenge]

10 MR. MACARTHUR: We should ask.

11 THE COURT: Did you want to –

12 MS. ALLEN: I just have – we have a question, Your Honor.

13 THE COURT: Okay. You may approach.

14 MS. ALLEN: Thank you.

15 [Bench conference transcribed as follows:]

16 THE COURT: All four lawyers are present at the bench.

17 MS. ALLEN: I didn't even think to ask this or maybe you said it and I just
18 didn't listen. I'm sorry. Do you snake up once we – or do they fill in?

19 MS. LUZAICH: Huh?

20 THE COURT: No.

21 MS. ALLEN: Do you know understand what –

22 THE COURT: I don't know what snake up means, but here's what – when
23 you're done, all of you –

24 MS. ALLEN: Right.

25 THE COURT: – when you're done exercising –

1 MS. ALLEN: Okay.

2 THE COURT: – you get eight each, I start at the top –

3 MS. ALLEN: Right.

4 THE COURT: -- and I count down 12.

5 MS. ALLEN: Down. Okay.

6 MR. MACARTHUR: Okay, so they fill in.

7 THE COURT: And then I draw a line.

8 MS. LUZAICH: The first 12.

9 MR. MACARTHUR: They snake up.

10 THE COURT: So I don't know. Does that mean snake up?

11 MR. MACARTHUR: Well, what she means is sometimes if the position

12 number 5 becomes vacant, you pull from the end and you stick in.

13 THE COURT: No, I don't do that.

14 MS. ALLEN: Okay. Snake up means if 1, 3 and 5 are gone, everybody just

15 moves up a seat.

16 THE COURT: No.

17 MR. MACARTHUR: Just accordions.

18 MS. ALLEN: Okay.

19 THE COURT: I don't know if that's – I just literally –

20 MS. ALLEN: I understand.

21 MS. LUZAICH: Just the first 12 that are still here –

22 MR. MACARTHUR: Okay.

23 THE COURT: The first 12.

24 MS. LUZAICH: – are it.

25 MS. ALLEN: That's snake up.

1 THE COURT: It's the first 12 –
2 MR. MACARTHUR: Yeah. That's snake up.
3 MS. LUZAICH: Where did you get that?
4 MS. ALLEN: Herndon. I think Herndon used it.
5 THE COURT: The first 12 –
6 MS. LUZIACH: No.
7 THE COURT: The last 12 standing that is.
8 MS. ALLEN: Got it.
9 MS. LUZAICH: Yeah.
10 MS. ALLEN: Got it. Thank you.
11 THE COURT: Okay?
12 MR. MACARTHUR: Okay.
13 MS. ALLEN: Sorry about that.
14 THE COURT: Thanks.
15 [Bench conference concluded]
16 THE COURT: The State of Nevada may exercise their third peremptory
17 challenge.
18 [The State exercises its third peremptory challenge]
19 THE COURT: The defense may exercise their third peremptory challenge.
20 [The Defense exercises its third peremptory challenge]
21 THE COURT: The State of Nevada may exercise their fourth peremptory
22 challenge.
23 [The State exercises its fourth peremptory challenge]
24 THE COURT: The defense may exercise their fourth peremptory challenge.
25 [The Defense exercises its fourth peremptory challenge]

1 THE COURT: The State of Nevada may exercise their fifth peremptory
2 challenge.

3 [The State exercises its fifth peremptory challenge]

4 THE COURT: The defense may exercise their fifth peremptory challenge.

5 [The Defense exercises its fifth peremptory challenge]

6 THE COURT: The State of Nevada may exercise their sixth peremptory
7 challenge.

8 [The State exercises its sixth peremptory challenge]

9 THE COURT: The defense may exercise their sixth challenge.

10 [The Defense exercises its sixth peremptory challenge]

11 THE COURT: The State of Nevada may exercise their seventh peremptory
12 challenge.

13 [The State exercises its seventh peremptory challenge]

14 THE COURT: The defense may exercise their seventh.

15 [The Defense exercises its seventh peremptory challenge]

16 THE COURT: The State of Nevada may exercise their eighth peremptory
17 challenge.

18 [The State exercises its eighth peremptory challenge]

19 THE COURT: The defense may exercise their eighth.

20 MR. MACARTHUR: Your Honor, if counsel waives a preempt, where would
21 you like us to indicate that?

22 THE COURT: If you just want to, on the second page. Number eight you're
23 going to waive? Just put defense waives eight.

24 MR. MACARTHUR: Where would you like it written?

25 THE COURT: Just –

1 MS. ALLEN: The bottom, okay.

2 THE COURT: I mean you can put it at the bottom.

3 [The Defense waives its eighth peremptory challenge]

4 MS. ALLEN: Okay

5 THE COURT: Thank you.

6 Okay. All right, at this time the State of Nevada and the defense may
7 exercise their ninth and final peremptory challenge as to 22, 28, 29, 31, and 32 only,
8 so 22 through 32, with the exception of those that have been exercised.

9 [The State exercises its ninth peremptory challenge]

10 THE COURT: The Defense may exercise their ninth and final peremptory
11 challenge as to 22 through 32, with the exception of those that have been exercised.

12 [The Defense exercises its ninth peremptory challenge]

13 THE COURT: Okay. At this time, ladies and gentlemen, we're going to take
14 a really short recess, probably about two minutes. So I'm going to ask everyone to
15 go outside. I just have to do something with the attorneys outside of your presence.
16 When you come back in if everybody will sit in the gallery. When you come back in
17 the clerk will call our panel of jurors. If your name is called, you'll be on our jury
18 panel; otherwise, you will be excused. Thank you very much. We'll see you in
19 about two minutes.

20 [Jury excused 5:16 p.m.]

21 [Outside the presence of the prospective jury panel]

22 THE COURT: Okay. The record will reflect that this hearing is taking place
23 outside the presence of the jury panel. Juror number 1 will be Tom Shinkawa;
24 number 2, Timothy Geiger; number 3, Ian Urquico; number 4, Richard McCreedy;
25 number 5, Eric Greenwood; number 6, Helen Stephens; number 7, Yvonne Lewis;

1 number 8, Kathleen Smith; number 9, Lisa Mandel; number 10, Eugene Kordoban;
2 number 11, Maria Boulton; number 12, Nabor Torres; number 13, Robert Bell;
3 number 14, Robin Powell.

4 Any objection by the State of Nevada?

5 MS. LUZAICH: None.

6 THE COURT: Any objection by the defense?

7 MS. ALLEN: No, Your Honor.

8 THE COURT: Bring them back in and let's start seating them. They always
9 think I'm kidding when I say –

10 MS. ALLEN: I know, short.

11 THE COURT: – two minutes.

12 MS. ALLEN: You know there's people who went to the bathroom.

13 MS. LUZAICH: Yep.

14 THE COURT: Right. And so it really takes longer, because they really don't
15 believe me. Oh, wait, this jury might have believed me.

16 MS. ALLEN: Oh, I guess they did.

17 [In the presence of the prospective jury panel, 5:18 p.m.]

18 THE COURT: You can have a seat when you come in.

19 Juror number 1 is Tom Shinkawa.

20 MS. LUZAICH: He's not here yet.

21 THE COURT: Juror number 1 Tom Shinkawa, You're our juror number 1,
22 number 2, Timothy Geiger. Mr. Geiger, okay, you're juror number 2. Number 3 –

23 THE COURT CLERK: Ian Urquico, juror number 3.

24 THE COURT: Mr. McCreedy, Richard McCreedy, you're going to be juror
25 number 4; juror number 5 Eric Greenwood; juror number 6, Helen Stephens;

1 number 7, Yvonne Lewis. Number 8 will be the first seat on the second row,
2 Kathleen Smith, number 8, Kathleen Smith; number 9, Lisa Mandel; number 10,
3 Eugene Kordoban; number 11, Maria Boulton; number 12, Nabor Torres; number
4 13, Robert Bell; and juror number 14, Robin Powell.

5 THE COURT: Ladies and gentlemen, we do have our empaneled jury. So if
6 your name was not called, you are excused. Thank you very, very much for being
7 here for the last two days. You're excused. Thank you for being here.

8 [Remaining prospective jury panel excused, 5:20 p.m.]

9 Okay. Thank you, ladies and gentlemen. You are now our empaneled
10 jury. What I'm trying to do is find enough jury badges so that all of you have a blue
11 badge. You can take off your white badges. You now have a blue badge that
12 identifies you as a juror in Department 12. I know it's been a long day so – and it's
13 already after 5 o'clock, so I am going to excuse you. But before I do, I just want to
14 give you a few instructions.

15 You can't talk about this case with anyone, including your fellow jurors.
16 You can tell you family members and friends you're a juror in a criminal trial, but you
17 can't tell them anything else. Wear those blue badges at all times when you are in
18 the courthouse so that it identifies you as a juror in Department 12, so that anybody
19 associated with this case knows not to talk to you. Be here tomorrow morning at
20 10:30. This Court has a regular morning calendar. I start at 8:30. I'm generally
21 always done before 10:30, but I'd ask that you don't come in the courtroom until the
22 Court Marshal greets you and brings you in.

23 So, again, I want to remind you 10:30. Everyone got it? 10:30. Come
24 straight up to the 14th floor. And also, I just want to remind you my name is Michelle
25 Leavitt. You're in Department 12 of the Eighth Judicial District Court. For whatever

1 reason, if you need to contact us, to tell us you're running late or any type of
2 problem, you can just – I think you can just call 4-1-1 and ask for my number and it
3 will give you chambers. Don't call jury services, because you'll just be on hold all
4 day. But my office, we answer our phone.

5 Okay. And with that, are there any questions before I – oh, my
6 goodness. Come on. I'm trying –

7 JUROR NUMBER 10: Just a quick –

8 THE COURT: – to let you guys go.

9 JUROR NUMBER 10: Just a real quick question.

10 THE COURT: Your name. Your name, sir?

11 JUROR NUMBER 10: Eugene Kordoban.

12 THE COURT: Go ahead.

13 JUROR NUMBER 10: I have a doctor's appointment at noon. Should I
14 change it or – it's not going to be a long appointment, but would – or should I
15 change it to another day?

16 THE COURT: I would suggest if you can change it, that you do.

17 JUROR NUMBER 10: Okay.

18 THE COURT: Because I think you've kind of figured out that we can't do
19 anything unless every single person is here. Okay. And so, if it's urgent and we
20 have to wait for you – is it that type of an appointment?

21 JUROR NUMBER 10: It's every three months I have to go, but I can change
22 it.

23 THE COURT: Are you sure?

24 JUROR NUMBER 10: Yep. Thank you.

25 THE COURT: Okay. I would certainly appreciate that.

1 JUROR NUMBER 10: Of course.

2 THE COURT: I appreciate that.

3 JUROR NUMBER 14: Robin Powell. Is it 10:30 every day –

4 THE COURT: Okay.

5 JUROR NUMBER 14: – or just tomorrow?

6 THE COURT: It will be 10:30 tomorrow. Friday it will be 8:30.

7 MS. ALLEN: We're dark.

8 MS. LUZAICH: We're dark on Friday.

9 THE COURT: Oh, wait. I'm sorry. I think I told everybody in the beginning

10 we're – so this Friday you won't have to be here. So tomorrow, 10:30, will be the

11 first day. Well, it will be the third day. But Friday we'll be dark, so you don't have to

12 be here. The following Monday, 10:30; Tuesday, 10:30; Wednesday, 8:30;

13 Thursday, 10:30; and then next Friday, if we still need it, it will be an 8:30 day. So,

14 unless I tell you otherwise, Monday, Tuesday, Thursday are 10:30s; Wednesday

15 and Friday are 8:30, except this Friday we'll be dark.

16 JUROR NUMBER 14: Thank you.

17 THE COURT: Okay. Ms. Lewis?

18 JUROR NUMBER 7: Will we always be out by 5:00 or 5:30?

19 THE COURT: Okay. It's almost 5:30.

20 JUROR NUMBER 7: I know.

21 THE COURT: I like to say yes. I do my very best. Sometimes we go over,

22 but if there's anybody on the panel that has a problem with going over 5 o'clock, can

23 you let me know right now?

24 JUROR NUMBER 7: Yeah. I just have 5:30 at the latest, because otherwise

25 my kids will be expelled. It's difficult on me.

1 THE COURT: Okay. That's what I need to know. So you have childcare
2 issues?

3 JUROR NUMBER 7: I have – my kids go to Safe Key and the latest – if it's
4 after 6:30 –

5 THE COURT: Okay. I know that 6:00 thing. They [demonstrating.]

6 JUROR NUMBER 7: And I live pretty far.

7 THE COURT: They'll take your kids to – yeah. Then is 5 o'clock good? If we
8 end every day at 5:00 o'clock can you get there on time?

9 JUROR NUMBER 7: Yeah, 5:30 at the absolute latest. Yesterday I was there
10 by like 6:15, so it was okay.

11 THE COURT: Okay. So if – and I just – Ms. Lewis, sometimes I get – like
12 yesterday I lost –

13 JUROR NUMBER 7: Yeah.

14 THE COURT: – track of time in all fairness.

15 JUROR NUMBER 7: Yeah.

16 THE COURT: So if that every happens, you have to raise your hand –

17 JUROR NUMBER 7: Okay.

18 THE COURT: -- please –

19 JUROR NUBMER 7: I will.

20 THE COURT: -- and get my attention.

21 JUROR NUMBER 7: Okay.

22 THE COURT: Because I know how important that whole Safe Key thing is.

23 JUROR NUMBER 7: Yes. Thank you for the –

24 THE COURT: Okay.

25 JUROR NUMBER 7: – permission to do that.

1 THE COURT: Mr. Geiger?

2 JUROR NUMBER 2: So now we all park in the City lot?

3 THE COURT: You know what? The Court Marshal's going to give you
4 direction on that.

5 JUROR NUMBER 2: Oh.

6 THE COURT: And he'll also validate your parking.

7 JUROR NUMBER 3: I just had a question regarding work. I know they need
8 to give me the days off. But I work graveyard, can they give me the day off, even
9 though I work at night, if I go to court –

10 THE COURT: Okay. Here's what I usually tell – and I didn't know you
11 worked graveyard, because I didn't get that during voir dire. And I know that a lot of
12 people in Las Vegas do work graveyard. This is what I tell everyone that works
13 graveyard. Do not go to work on graveyard shift. Is your graveyard like midnight
14 'til –

15 JUROR NUMBER 3: 9:00 to 6:00 a.m.

16 THE COURT: 9:00 to 6:00 a.m. I tell you, you know you could go 9:00 to
17 12:00 or 1:00 o'clock in the morning; however, I don't like people to work all night
18 and then be here at 8:00, because sometimes you're required to be here at 8:30 or
19 10:30.

20 JUROR NUMBER 3: Yeah.

21 THE COURT: You have to sleep at some point. Okay. So I'd ask you to use
22 your discretion. I don't like people to work past maybe 1 or 2 in the morning, so I
23 would not want you to work – what did you say all the way until 6?

24 JUROR NUMBER 3: Six, yeah.

25 THE COURT: Yeah. That would be – you would have no time to sleep.

1 JUROR NUMBER 3: Yes.

2 THE COURT: And we need jurors that, obviously, have slept and can be alert
3 and listen to the evidence.

4 JUROR NUMBER 3: Okay.

5 THE COURT: So I would ask you not to work a full graveyard shift. I wouldn't
6 have a problem with you working part of it, just not a full graveyard shift.

7 And anyone that needs any type of verification from your employer, if
8 you let the Court Marshal know, I will be happy to provide that to you. Okay. And,
9 again, I just want to tell you it – I know it was two very long days. You were very
10 professional, very courteous. I'm very grateful for that. And I look forward to seeing
11 you tomorrow morning. Thank you very much. And you are excused. 10:30,
12 tomorrow morning.

13 [Jury excused, 5:28 p.m.]

14 [Outside the presence of the jury]

15 MS. ALLEN: Oh, Your Honor, can I just make a really quick record?

16 THE COURT: Of course.

17 MS. ALLEN: I apologize. Super fast.

18 THE COURT: This hearing is taking place outside the presence of the jury
19 panel. Thank you very much for getting that panel picked.

20 MS. ALLEN: Thank you. I appreciate –

21 THE COURT: You guys did a great job.

22 MS. ALLEN: Thank you. I just want to make a real quick record. I asked Ms.
23 Luzaich earlier if she was intending on admitting my client's statement for the
24 purposes of opening, because we want to know whether or not to comment on it or
25 not. She indicates that she has every intention to. It could change, obviously, but I

1 just want to make that clear; that we have any indication she is bringing it in. She
2 said she has every intention to, I guess, save and except something happening
3 that's startling.

4 MS. LUZAICH: That is correct. I do intend to bring it in.

5 MS. ALLEN: Okay.

6 MS. LUZAICH: So if they address it in opening, they do have a good-faith
7 basis to do that.

8 MS. ALLEN: Okay. So I'm just –

9 THE COURT: Okay.

10 MS. ALLEN: That's all I'm saying. I just want to make sure the – we make a
11 record on that.

12 THE COURT: All right. So you want to be able to comment on your client's
13 statement to the police?

14 MS. ALLEN: If – well, yes. I – there are certain things that need to be
15 addressed if they're bringing it in. If they're not bringing it in, then –

16 THE COURT: Okay.

17 MS. ALLEN: – there's no reason to bring it up.

18 THE COURT: And, Ms. Luzaich, you're probably going to bring it in?

19 MS. LUZAICH: I have every intention of bringing it in, unless something
20 unusual happens.

21 THE COURT: Okay. So you have no objection to them commenting on it?

22 MS. LUZAICH: No, I do not.

23 THE COURT: Okay.

24 MS. ALLEN: Okay. And I think that's it. That's it.

25 THE COURT: Okay. And I have –

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MS. ALLEN: Thank you.

THE COURT: I feel comfortable that we'll be able to start by 10:30.

MS. ALLEN: Okay.

THE COURT: Okay. So I'll see everybody then.

MS. ALLEN: Thank you.

MS. LUZAICH: Thank you.

[Evening recess taken 5:30 p.m.]

* * * * *

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


DEBRA WINN, Court Transcriber

1 PROSPECTIVE JUROR #014: No, I don't think so. I think I could handle it.

2 MS. ALLEN: Are you of the opinion that – are you – I shouldn't say are you of
3 the opinion, are you okay with the idea that the defense has no burden in this case?

4 PROSPECTIVE JUROR #014: I understand that.

5 MS. ALLEN: Well, understanding it and being okay with it. Are you okay with
6 it?

7 PROSPECTIVE JUROR #014: Yeah.

8 MS. ALLEN: Does it bother you?

9 PROSPECTIVE JUROR #014: No.

10 MS. ALLEN: Do you expect Mr. Harris to take the stand?

11 PROSPECTIVE JUROR #014: Probably not.

12 MS. ALLEN: Okay. All right. Do you think that a child who's raised with
13 structure may behave differently than a child that is raised, you know, without; sort
14 of allowed to do whatever they want?

15 PROSPECTIVE JUROR #014: I'm sorry. Could –

16 MS. ALLEN: Do you think a child who's raised with structure and rules is
17 going to act or behave differently than a child who has no structure, has no rules?

18 PROSPECTIVE JUROR #014: Yeah, they're definitely going to be different.

19 MS. ALLEN: All right. Okay. In what way? What ways would you anticipate
20 they would be different?

21 PROSPECTIVE JUROR #014: Well, if you don't have any structure and you
22 don't have any rules and, you know, then you don't have anything to lean upon.
23 You know, you don't know right from wrong.

24 MS. ALLEN: Okay. And you would expect a child who comes from structure
25 and rules would know the difference between right and wrong?

1 PROSPECTIVE JUROR #014: Right, I do.

2 MS. ALLEN: Okay. Okay. Thank you very much.

3 PROSPECTIVE JUROR #014: You're welcome.

4 MS. ALLEN: Mr. Geiger, how are you?

5 PROSPECTIVE JUROR #012: Fine.

6 MS. ALLEN: So, same question, you excited to be here?

7 PROSPECTIVE JUROR #012: Sure.

8 MS. ALLEN: Have you sat on a jury before?

9 PROSPECTIVE JUROR #012: Yes.

10 MS. ALLEN: Oh, okay. And I apologize without flipping through my paper-

11 work was it criminal or civil?

12 PROSPECTIVE JUROR #012: Criminal.

13 MS. ALLEN: Did you enjoy your experience?

14 PROSPECTIVE JUROR #012: Yes.

15 MS. ALLEN: Was any of it surprising to you?

16 PROSPECTIVE JUROR #012: Just new, nothing surprising.

17 MS. ALLEN: Most jurors after sitting on a jury say that they were glad that

18 they did it. Would you agree that you were glad you did it?

19 PROSPECTIVE JUROR #012: Yes.

20 MS. ALLEN: Okay. So it's not as painful as people make it out to be?

21 PROSPECTIVE JUROR #012: No.

22 MS. ALLEN: All right. What do you think about lawyers in general?

23 PROSPECTIVE JUROR #012: About what?

24 MS. ALLEN: Lawyers. What do you think about lawyers, attorneys?

25 PROSPECTIVE JUROR #012: I don't think about them.

1 MS. ALLEN: Fair enough. It's like one of those things you only have to do
2 when you are in trouble or you need them, right, 'cause you don't want to deal with
3 them very much, right?

4 PROSPECTIVE JUROR #012: Right.

5 MS. ALLEN: Okay. Understood. All right. I think we rank up there with like
6 used car salesmen or something like that, I don't know.

7 All right. So what – when you first heard Ms. Rhoades' reading some,
8 you know, the allegations and some of the witnesses and everything, what struck
9 you? What – did something hit you first when you heard all that?

10 PROSPECTIVE JUROR #012: The amount of charges.

11 MS. ALLEN: Okay. So the sheer number of them?

12 PROSPECTIVE JUROR #012: Yes.

13 MS. ALLEN: Not necessarily a sexual assault or kidnapping or whatever, it
14 was the number?

15 PROSPECTIVE JUROR #012: Right.

16 MS. ALLEN: What bothered you about that?

17 PROSPECTIVE JUROR #012: Well, I guess the number of them. I was
18 surprised it wasn't like one charge or two –

19 MS. ALLEN: Okay.

20 PROSPECTIVE JUROR #012: -- or something like that. I was like shocked.

21 MS. ALLEN: Okay. Does it mean like where there's smoke there's fire for
22 you, if they charged him with this many counts he must be guilty?

23 PROSPECTIVE JUROR #012: No.

24 MS. ALLEN: Okay. Does that initial reaction to the number of charges there
25 were, does that – will that affect you in any way going into deliberation or even just

1 sitting here and listening to people testify?

2 PROSPECTIVE JUROR #012: No, it was just an initial reaction.

3 MS. ALLEN: Okay. All right. And have you sort of – you're over that, right?

4 PROSPECTIVE JUROR #012: Yes, I am.

5 MS. ALLEN: Okay, fair. Now, you're just annoyed everybody is talking to you
6 as much as they are?

7 PROSPECTIVE JUROR #012: [No verbal response].

8 MS. ALLEN: Okay. Do you think – do you agree that modesty is something
9 that's sort of taught? Do you teach that to your children?

10 PROSPECTIVE JUROR #012: I do.

11 MS. ALLEN: Do you also agree that it's the – sort of the same principle when
12 it comes to sex or sexuality that we teach them to be private with our children? Do
13 you agree with that?

14 PROSPECTIVE JUROR #012: As I become older it was something that we
15 didn't discuss very much; it wasn't a open subject.

16 MS. ALLEN: Wasn't dinner table discussion?

17 PROSPECTIVE JUROR #012: No.

18 MS. ALLEN: No. Okay. So do you think that the fact that you didn't discuss
19 it like that sort of implied to your children or implied that it was a private thing?

20 PROSPECTIVE JUROR #012: Yes.

21 MS. ALLEN: Do you think that, like social media, or the things that have
22 happened in the last 10 or 15 or 20 years have maybe contributed to a newer
23 generation of children knowing more about sex than they did 30 years ago?

24 PROSPECTIVE JUROR #012: Yes, I do.

25 MS. ALLEN: Okay. You can pretty much turn on the Internet and look up

1 anything about anyone very easily, is that right?

2 PROSPECTIVE JUROR #012: Yes, it is.

3 MS. ALLEN: Sex is not hard to find, is it?

4 PROSPECTIVE JUROR #012: Not at all.

5 MS. ALLEN: Okay. And in Las Vegas it's really not hard to find, is it?

6 PROSPECTIVE JUROR #012: Just on the billboards.

7 MS. ALLEN: Right. Okay. So it's pretty much out there for everybody to see

8 here in Las Vegas?

9 PROSPECTIVE JUROR #012: Yes.

10 MS. ALLEN: Thirty years ago, 35 years ago would you, if a 11 or 12 or 13-

11 year-old had described a sex act to you, would you have been shocked?

12 PROSPECTIVE JUROR #012: Yes.

13 MS. ALLEN: Would you be as shocked today?

14 PROSPECTIVE JUROR #012: Yes.

15 MS. ALLEN: It would still be shocking to you?

16 PROSPECTIVE JUROR #012: Yes.

17 MS. ALLEN: Knowing what you know about media and what's accessible to

18 children today?

19 PROSPECTIVE JUROR #012: Yes.

20 MS. ALLEN: Okay. Fair enough. Do you think that children have the ability

21 or that children can make those things up, though? Do you –

22 PROSPECTIVE JUROR #012: Yes.

23 MS. ALLEN: It's shocking?

24 PROSPECTIVE JUROR #012: No.

25 MS. ALLEN: No, it's shocking that they would say it. But it's – do you believe

1 they have the ability to make them up?

2 PROSPECTIVE JUROR #012: Yes.

3 MS. ALLEN: Okay. And it doesn't shock you that a child would make that
4 up?

5 PROSPECTIVE JUROR #012: No.

6 MS. ALLEN: Can you explain why? Because that's a new and exciting
7 answer for me.

8 PROSPECTIVE JUROR #012: I've experienced children making things up
9 that shocked me.

10 MS. ALLEN: All right. All right. They – children tend to be about themselves,
11 would you agree?

12 PROSPECTIVE JUROR #012: Yes.

13 MS. ALLEN: Okay. They establish, it's not empathy but they sort of establish
14 relationships with other people, solid relationships like that, maybe later in life and
15 when they're younger it's about them. Do you agree with that? Their needs, what
16 they want?

17 PROSPECTIVE JUROR #012: Yes.

18 MS. ALLEN: Okay. As a result of those needs and wants, do you find that
19 children will go to greater lengths to get them than you would, let's say, as a 35 or
20 40-year-old man?

21 PROSPECTIVE JUROR #012: Yes.

22 MS. ALLEN: Okay. Are you the right person to sit on this jury? I mean save
23 and apart from the fact that you don't want to be here, but are you the right person
24 to sit on this jury and listen to this case?

25 PROSPECTIVE JUROR #012: Yes, I can do it.

1 MS. ALLEN: Holding nothing against Mr. Harris for the number of charges
2 that have been brought against him, is that correct?

3 PROSPECTIVE JUROR #012: No, no problem.

4 MS. ALLEN: And as he sits there you understand he's not guilty?

5 PROSPECTIVE JUROR #012: Yes.

6 MS. ALLEN: Okay. And that has to be changed by the State?

7 PROSPECTIVE JUROR #012: Yes.

8 MS. ALLEN: Thank you, Mr. Geiger. I appreciate your time.

9 THE COURT: Okay. Maybe this is a good time for us to take a break.

10 MS. ALLEN: Thank you.

11 THE COURT: Okay. At this time we're going to recess for lunch.

12 During this recess, you're admonished not to talk or converse amongst
13 yourselves or with anyone else on any subject connected with this trial or read,
14 watch or listen to any report of or commentary on the trial or any person connected
15 with this trial by any medium of information, including without limitation newspapers,
16 television, the Internet or radio; or form or express any opinion on any subject
17 connected with this trial 'til the case is finally submitted to you.

18 We'll be in recess until 2:15. Please come straight back up to the 14th
19 floor, at which time you'll be met by the Court Marshal, who will bring you into court.
20 Remember, 2:15. Thank you very much. And we'll see you then.

21 [Luncheon recess taken at 12:56 p.m.]

22 [Outside the presence of the prospective jury panel 2:31 p.m.]

23 [Examination of Prospective Juror #023]

24 COURT MARSHAL: Have a seat right there [indicating]?
25

1 PROSPECTIVE JUROR #023: Have a seat right here [indicating]?
2 THE COURT: The record will reflect –
3 THE COURT MARSHAL: Yeah. Actually, you know what, you're in my box
4 go ahead and take your seat.
5 PROSPECTIVE JUROR #023: Okay.
6 THE COURT: All right. You know what, sir, you can come right up here to
7 the podium.
8 PROSPECTIVE JUROR #023: Okay.
9 THE COURT: The record will reflect this hearing is taking – no, right there
10 [indicating] to the podium.
11 PROSPECTIVE JUROR #023: Oh, right here?
12 THE COURT: Uh-huh.
13 THE COURT MARSHAL: Yeah, right there.
14 THE COURT: The record will reflect this hearing is taking place outside the
15 presence of the jury panel.
16 Mr. Carlyn it's my understanding that you had something you wanted to
17 address with the Court?
18 PROSPECTIVE JUROR #023: Yes.
19 THE COURT: Okay.
20 PROSPECTIVE JUROR #023: My work does –
21 THE COURT: After two days, you think there's something you haven't told
22 me?
23 PROSPECTIVE JUROR #023: Yes.
24 THE COURT: Okay. Go ahead.
25 PROSPECTIVE JUROR #023: Well, I called the – my HR department today.

1 THE COURT: Uh-huh.

2 PROSPECTIVE JUROR #023: And they said I do not get paid –

3 THE COURT: Okay.

4 PROSPECTIVE JUROR #023: -- for the jury duty –

5 THE COURT: Okay.

6 PROSPECTIVE JUROR #023: -- and there's absolutely no way I'd be able to

7 afford my bills or anything.

8 THE COURT: Okay. Why don't you tell me about that? What do you – let me

9 get – let me go back in my notes. What do you do for a living?

10 PROSPECTIVE JUROR #023: I work as a coordinator at H and E

11 Equipment.

12 THE COURT: That's right. Now it's all coming back to me. And yesterday

13 when we were having all these discussions, why didn't you bring it up then?

14 PROSPECTIVE JUROR #023: I thought they paid, honestly. And then I

15 called my boss last night. And I was like, hey, this is like a one to two week trial. He

16 said, well, you don't get paid for it. I'm like are you sure?

17 THE COURT: Okay.

18 PROSPECTIVE JUROR #023: So I called the HR this morning.

19 THE COURT: Well, it's really up to the company. Some pay –

20 PROSPECTIVE JUROR #023: Exactly.

21 THE COURT: -- some don't.

22 PROSPECTIVE JUROR #023: They don't.

23 THE COURT: So it's up to your company.

24 PROSPECTIVE JUROR #023: Um-huh.

25 THE COURT: So if you were – when do you work, Monday through Friday?

1 PROSPECTIVE JUROR #023: Um-huh.

2 THE COURT: Is that a yes?

3 PROSPECTIVE JUROR #023: Yes.

4 THE COURT: So if you were called upon to serve on this panel and you had
5 to miss two weeks of work, how would that affect you?

6 PROSPECTIVE JUROR #023: I wouldn't be able to pay my bills.

7 THE COURT: And you have a wife, correct?

8 PROSPECTIVE JUROR #023: I do.

9 THE COURT: She works full time?

10 PROSPECTIVE JUROR #023: Um-huh.

11 THE COURT: Is that a yes?

12 PROSPECTIVE JUROR #023: Yes. Sorry.

13 THE COURT: And you – both of you have to be working full time at all times?
14 I mean you couldn't – what I'm trying to get at, I'm not trying to bankrupt people
15 here.

16 PROSPECTIVE JUROR #023: No, I understand.

17 THE COURT: You understand that?

18 PROSPECTIVE JUROR #023: Uh-huh, uh-huh.

19 THE COURT: But you – is that a yes?

20 PROSPECTIVE JUROR #023: Yes. Sorry.

21 THE COURT: You have a wife that works full time?

22 PROSPECTIVE JUROR #023: Uh-huh. Oh, yes, sorry.

23 THE COURT: And you work full time?

24 PROSPECTIVE JUROR #023: Yes.

25 THE COURT: But do you have, I don't know, vacation time, any paid time

1 you could take?

2 PROSPECTIVE JUROR #023: I don't have that much.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR #023: These –

5 THE COURT: How much do you have?

6 PROSPECTIVE JUROR #023: Well, these, two days have pretty much taken
7 up my whole thing.

8 THE COURT: You only have two vacation days?

9 PROSPECTIVE JUROR #023: Um-huh, yes.

10 THE COURT: How much vacation do you get a year?

11 PROSPECTIVE JUROR #023: Two weeks right now. But, you know –

12 THE COURT: Have you used it up already?

13 PROSPECTIVE JUROR #023: You can't cash out 'til when I use it.

14 THE COURT: Okay. I don't understand what that means.

15 PROSPECTIVE JUROR #023: At the end of the year only hourly employees
16 can cash out their PTO and I'm on salary, so I can't cash out. So I have –

17 THE COURT: Maybe you don't understand my question. Do you have – you
18 have two weeks vacation time, correct?

19 PROSPECTIVE JUROR #023: You get a certain amount of hours each
20 paycheck. So you get eight – a little less –

21 THE COURT: So you accrue them?

22 PROSPECTIVE JUROR #023: Yes.

23 THE COURT: So how many hours of vacation time have you accrued?

24 PROSPECTIVE JUROR #023: This year?

25 THE COURT: Yeah. What, we're in March?

1 PROSPECTIVE JUROR #023: Yeah. A couple of days but I've been taking
2 off some days.

3 THE COURT: Okay. So you've used it?

4 PROSPECTIVE JUROR #023: Uh-huh, yes.

5 THE COURT: All right. Sorry, I know it's hard to get used to that.

6 PROSPECTIVE JUROR #023: Yes.

7 THE COURT: And without your paycheck for, I guess, you know, I guess it
8 would be three days, maybe eight days you believe that would prevent you from
9 paying your bills?

10 PROSPECTIVE JUROR #023: Yes.

11 THE COURT: You wouldn't be able to pay any of your bills?

12 PROSPECTIVE JUROR #023: I'd be able to pay some but there's no way I
13 could, you know, make rent or anything like that.

14 THE COURT: Okay. Do you have rent or a mortgage?

15 PROSPECTIVE JUROR #023: Rent.

16 THE COURT: All right. And you're responsible for the rent not your wife?

17 PROSPECTIVE JUROR #023: Me and my wife.

18 THE COURT: Okay. So together you have to do it?

19 PROSPECTIVE JUROR #023: Yes.

20 THE COURT: Okay. And this would make it so you wouldn't be able to pay
21 to pay your bills?

22 PROSPECTIVE JUROR #023: That's correct.

23 THE COURT: Okay. Are you sure?

24 PROSPECTIVE JUROR #023: Yes.

25 THE COURT: 'Cause we'd sure love to have you stay.

1 PROSPECTIVE JUROR #023: No. Yes, I'm a hundred percent; trust me, I'd
2 like to be on this case, honestly.

3 THE COURT: Okay. All right. Well, based upon your representations at this
4 time I'm going to excuse you. When you go outside, I'm going to ask you not to
5 discuss anything we've discussed in here –

6 PROSPECTIVE JUROR #023: Okay.

7 THE COURT: -- with your fellow jurors. I'm going to ask you to go to the third
8 floor –

9 PROSPECTIVE JUROR #023: Okay.

10 THE COURT: -- and check out.

11 PROSPECTIVE JUROR #023: Okay.

12 THE COURT: And thank you very much for being here.

13 PROSPECTIVE JUROR #023: Thank you and I appreciate it.

14 THE COURT: Thank you.

15 [Prospective Juror #023 excused]

16 THE COURT: Okay. The record will reflect that that juror has left the
17 courtroom.

18 MR. MAC ARTHUR: Badge number? If I could, Judge. Your Honor, badge
19 number?

20 MS. ALLEN: Oh, 20---

21 THE COURT: He is badge number 23 –

22 MR. MAC ARTHUR: Okay.

23 THE COURT: -- Nicholas Carlyn. He was in box number 9. So when we
24 come back in, I will be putting –

25 MS. LUZAICH: Isn't it Del Taco.

1 MR. MAC ARTHUR: Right.

2 MS. LUZAICH: Del Taco is next.

3 MR. MAC ARTHUR: No objection to –

4 THE COURT: Okay.

5 MR. MAC ARTHUR: -- letting Del Taco go.

6 MS. LUZAICH: I'm not objecting, I'm just –

7 THE COURT: Mr. Ruben Hernandez-Diaz will become number 9.

8 So I know we're with, with you, Ms. Allen.

9 MS. ALLEN: Yes.

10 THE COURT: So what I'll do is, I'm just going to –

11 MS. ALLEN: Um-huh

12 THE COURT: -- take him through, get him back up to speed. I'll ask the

13 State if they have any questions for him and then I'll turn the panel back over to you.

14 MS. ALLEN: Not a problem.

15 THE COURT: So you get a little break.

16 MS. ALLEN: I'm happy to sit here, in fact I'm very, very happy.

17 THE COURT: Okay. And I – do we have everyone here now?

18 THE COURT MARSHAL: Your Honor, we do.

19 THE COURT: Okay. We're having a little trouble getting them all here.

20 THE COURT MARSHAL: Yes, Your Honor.

21 THE COURT: But they're all here now, let's bring them in.

22 THE COURT MARSHAL: Yes, ma'am.

23 THE COURT: Before we lose somebody.

24 [In the presence of the prospective jury panel, 2:36]

25 THE COURT: When you come in, you can have a seat.

1 THE COURT MARSHAL: Your Honor, the panel is in.

2 THE COURT: Okay. Thank you very much.

3 Do the parties stipulate to the presence of the jury panel as now
4 empaneled?

5 MS. LUZAICH: Yes.

6 MS. ALLEN: Yes, Your Honor.

7 THE COURT: Thank you.

8 Okay. At this time Mr. Ruben Hernandez-Diaz.

9 PROSPECTIVE JUROR #081: Yes.

10 THE COURT: Can you come up here. I'm going to ask you to take seat
11 number 9. So you're right up here [indicating] in the box and you're in seat number
12 9.

13 Good afternoon, sir. He's probably going to need the microphone.

14 THE COURT MARSHAL: Yes. Yes, Your Honor. I'll get it.

15 THE COURT: Okay.

16 Sir, I have a few questions for you. Can you tell me how long you've
17 lived in Clark County?

18 PROSPECTIVE JUROR #081: Lived for 18 years.

19 THE COURT: Eighteen years. And your education background?

20 PROSPECTIVE JUROR #081: High school diploma.

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

22 PROSPECTIVE JUROR #081: I work at Del Taco as team member. And I
23 work at Sands Expo as a bus runner.

24 THE COURT: Your marital status?

25 PROSPECTIVE JUROR #081: I'm single.

1 THE COURT: Do you have any children?
2 PROSPECTIVE JUROR #081: No.
3 THE COURT: Have you ever served as a juror before?
4 PROSPECTIVE JUROR #081: Yes, at '09.
5 THE COURT: In 2009?
6 PROSPECTIVE JUROR #081: [Nods].
7 THE COURT: Is that a yes?
8 PROSPECTIVE JUROR #081: Yes.
9 THE COURT: Was that here in Clark County?
10 PROSPECTIVE JUROR #081: Yeah, it was in this, this courtroom.
11 THE COURT: Was in this building?
12 PROSPECTIVE JUROR #081: Yes.
13 THE COURT: In this courtroom?
14 PROSPECTIVE JUROR #081: Yes.
15 THE COURT: With me?
16 PROSPECTIVE JUROR #081: It was a long time.
17 THE COURT: Okay.
18 PROSPECTIVE JUROR #081: Yeah.
19 THE COURT: So it was in this courthouse but it wasn't in here with me?
20 PROSPECTIVE JUROR #081: Yes, I guess.
21 THE COURT: Okay. Was it civil or criminal?
22 PROSPECTIVE JUROR #081: It was just – they ask me questions like what's
23 your name.
24 THE COURT: Was it a civil case or a criminal case?
25 PROSPECTIVE JUROR #081: It was not criminal case.

1 THE COURT: It was a civil case?

2 PROSPECTIVE JUROR #081: I guess.

3 THE COURT: And you were selected to be on the jury panel?

4 PROSPECTIVE JUROR #081: Yes.

5 THE COURT: Okay. And were you selected to be the foreperson?

6 PROSPECTIVE JUROR #081: No, it was just a day at the court and then
7 that's it.

8 THE COURT: Okay. So let me ask you again, were you selected to be on
9 the jury panel?

10 PROSPECTIVE JUROR #081: Yes. Yeah, I got the badge and, yeah, I got
11 selected.

12 THE COURT: All right. And the case only lasted one day?

13 PROSPECTIVE JUROR #081: Yes, because – yeah, they sent me and they
14 send me to the third floor and then they just said to give the badge and then they put
15 the writings on the back of it.

16 THE COURT: So you were not selected?

17 PROSPECTIVE JUROR #081: I guess, yeah.

18 THE COURT: All right. Did you come into a courtroom, were you sworn in as
19 a juror and did you hear witnesses come up and testify on the witness stand?

20 PROSPECTIVE JUROR #081: No.

21 THE COURT: No.

22 PROSPECTIVE JUROR #081: No.

23 THE COURT: Okay. So you've never served as a juror before then. Other
24 than you've been called to be a juror, but you haven't been selected and
25 empaneled, is that correct?

1 PROSPECTIVE JUROR #081: Yes.

2 THE COURT: Okay. Have you or anyone close to you, such as a family
3 member or friend, ever been the victim of a crime?

4 PROSPECTIVE JUROR #081: Like family member? It was on the news, like
5 I got a call, in the phone call and someone, like my cousin's mother, something like
6 happened, like the uncle did something and it was – it harmed – and there was a
7 funeral and that's it.

8 THE COURT: So something happened to your cousin's mother?

9 PROSPECTIVE JUROR #081: Yes.

10 THE COURT: She was killed?

11 PROSPECTIVE JUROR #081: Yes, that's why there was a funeral.

12 THE COURT: Okay. By a criminal act?

13 PROSPECTIVE JUROR #081: I need more, more information. You know, it's
14 something – that's all I can say.

15 THE COURT: Okay. Do you understand my questions?

16 PROSPECTIVE JUROR #081: Yes, I understand.

17 THE COURT: Okay. 'Cause the question is have you or anyone close to
18 you, such as a family member or friend, ever been the victim of a crime? And so –

19 PROSPECTIVE JUROR #081: Yes –

20 THE COURT: -- your cousin's mother –

21 PROSPECTIVE JUROR #081: No –

22 THE COURT: -- is that your aunt?

23 PROSPECTIVE JUROR #081: No. The Uncle.

24 THE COURT: So it was a man that passed away?

25 PROSPECTIVE JUROR #081: No, no. The uncle killed cousin's mother.

1 THE COURT: Okay. So your uncle killed his wife?
2 PROSPECTIVE JUROR #081: I guess, yeah.
3 THE COURT: You guess or yes?
4 PROSPECTIVE JUROR #081: No, no, no. Yes.
5 THE COURT: Yes.
6 PROSPECTIVE JUROR #081: Yeah.
7 THE COURT: And did that happen here in Las Vegas?
8 PROSPECTIVE JUROR #081: Yeah, it did.
9 THE COURT: How long ago was that?
10 PROSPECTIVE JUROR #081: I did not – I don't think like this stuff, you
11 know, all the time. Who knows when it happened? I don't want to remember that
12 stuff.
13 THE COURT: I understand that, but you don't know when it happened?
14 PROSPECTIVE JUROR #081: I just remember I just got a phone – a call on
15 the phone and then someone says something.
16 THE COURT: Do you know when that call came to you?
17 PROSPECTIVE JUROR #081: Well, I don't want to remember. If I could,
18 like, I'd rather remember other stuff.
19 THE COURT: Sure, I understand. Was that this year in 2014?
20 PROSPECTIVE JUROR #081: Well, I can't say the date.
21 THE COURT: Was it last year in 2013?
22 PROSPECTIVE JUROR #081: I can't say the date when it happened. But it
23 was on the news and stuff like that.
24 THE COURT: Okay. Was it within the last five years?
25 PROSPECTIVE JUROR #081: Yeah, again, you know I can't.

1 THE COURT: Okay. Do you have any idea when it happened?

2 PROSPECTIVE JUROR #081: I can't say, I –

3 THE COURT: You have no idea when it happened?

4 PROSPECTIVE JUROR #081: No. I remembered it but I did not like, like
5 aimed it to know what it was, when the year, 'cause I was doing other things.

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

9 PROSPECTIVE JUROR #081: No.

10 THE COURT: Okay. Have you or anyone close to you, such as a family
11 member or friend ever been accused of a crime?

12 PROSPECTIVE JUROR #081: No.

13 THE COURT: Okay. Well, was the uncle accused of murder of the aunt?

14 PROSPECTIVE JUROR #081: It – yes.

15 THE COURT: Okay. Did he get arrested?

16 PROSPECTIVE JUROR #081: It happened like in the morning and then it –
17 then they did the case, like they – the news reporters or something, they all got
18 information pretty quickly. And it happened like in the morning, I guess.

19 THE COURT: Okay. Do you understand my question?

20 PROSPECTIVE JUROR #081: Yes, yes.

21 THE COURT: I said did he –

22 PROSPECTIVE JUROR #081: I'll get good attention, all right.

23 THE COURT: Did he get arrested?

24 PROSPECTIVE JUROR #081: Yes. He got arrested and he was – yes, he
25 got arrested.

1 THE COURT: Okay. Do you know what his name is?

2 PROSPECTIVE JUROR #081: I would like to know his name because I don't
3 – I normally haven't heard his name a long time. I don't like – I don't know his
4 name. I know he's my uncle, but normally I, I – his name, if I know his name, I have
5 to know his name every single day or, you know, know his name, but I, I can't tell
6 what his name is.

7 THE COURT: Okay. He's your uncle but you don't know what his name is?

8 PROSPECTIVE JUROR #081: Yeah, it's been a long time. Like – like if you
9 really care about someone or something, you know someone's name a lot. I have
10 had other things that I was doing.

11 THE COURT: Like what? What else have you been doing?

12 PROSPECTIVE JUROR #081: I was, I was going to college and stuff like
13 that.

14 THE COURT: Okay. Well, I asked you what your education was and you
15 said high school?

16 PROSPECTIVE JUROR #081: Yeah, I went to college too because –

17 THE COURT: Okay.

18 PROSPECTIVE JUROR #081: I went there because I – to go to some
19 courses 'cause – to pass. I went and they gave me a test to do. And then they told
20 me to go to some courses, like mathematics and –

21 THE COURT: Where did you attend college?

22 PROSPECTIVE JUROR #081: I attended at Cheyenne, CSN.

23 THE COURT: Okay. And are you currently enrolled at CSN?

24 PROSPECTIVE JUROR #081: No, no, no. I'm more like looking for, for jobs.

25 THE COURT: Okay. So you're not currently enrolled but at some point you

1 were enrolled at CSN, correct?

2 PROSPECTIVE JUROR #081: Yes.

3 THE COURT: How many years or semesters did you take at CSN?

4 PROSPECTIVE JUROR #081: I was there like, since, I guess it was like
5 three years, that's it.

6 THE COURT: Okay. So you spent three years at CSN?

7 PROSPECTIVE JUROR #081: Yes.

8 THE COURT: Okay. Did you get any degrees?

9 PROSPECTIVE JUROR #081: Well, I just wanted to pass the courses that
10 my instructors told me back in high school what to pass. And I passed my GED
11 courses, you know, for the proficiencies. And that's why I went back to –

12 THE COURT: Okay. Are you talking about your high school proficiency
13 exams?

14 PROSPECTIVE JUROR #081: No, like when I was at high school, I passed
15 it. But it said to – they gave me a higher education. So I went and – I just went to
16 prove that I can do it.

17 THE COURT: Of course.

18 PROSPECTIVE JUROR #081: Yeah.

19 THE COURT: So you went onto CSN and you spent three years at CSN,
20 correct?

21 PROSPECTIVE JUROR #081: Yes.

22 THE COURT: And what did you study at CSN?

23 PROSPECTIVE JUROR #081: I studied mathematics. I went all the way to
24 90 – I think it was 95, like math 95. English 101. I also, let me see, those two
25 courses I did.

1 THE COURT: You did two courses only?

2 PROSPECTIVE JUROR #081: Yes. I did other courses, 'cause I was kind of

3 like, like thinking well, I took keyboarding class, like, you know, like college –

4 THE COURT: Okay.

5 PROSPECTIVE JUROR #081: -- college –

6 THE COURT: Did you just take general education courses?

7 PROSPECTIVE JUROR #081: Yes.

8 THE COURT: For three years?

9 PROSPECTIVE JUROR #081: Yeah; yes, I did.

10 THE COURT: Okay. Did you ever declare a major?

11 PROSPECTIVE JUROR #081: That like – I was like, for me like – I was just –

12 I'm just trying to get a job with my high school diploma, that's it.

13 THE COURT: Okay. But you told me you went to CSN for three years,

14 correct?

15 PROSPECTIVE JUROR #081: Yes.

16 THE COURT: Did you ever declare a major while you were there for three

17 years?

18 PROSPECTIVE JUROR #081: No, just passing the courses –

19 THE COURT: Okay.

20 PROSPECTIVE JUROR #081: -- you know.

21 THE COURT: How many credits did you earn?

22 PROSPECTIVE JUROR #081: I think it was like 25 or something.

23 THE COURT: Twenty-five credits, okay. All right.

24 Would you have a tendency to give more weight or credence or less

25 weight or credence to the testimony of a police officer, simply because he or she is a

1 police officer?

2 PROSPECTIVE JUROR #081: Yes, I guess.

3 THE COURT: Yes, you would?

4 PROSPECTIVE JUROR #081: Like what's that? What do you mean like,
5 credent?

6 THE COURT: Do you understand my question?

7 PROSPECTIVE JUROR #081: Can you explain, please?

8 THE COURT: Sure. Would you have a tendency to give more weight or
9 credence or less weight or credence to the testimony of a police officer, simply
10 because he or she is a police officer?

11 PROSPECTIVE JUROR #081: Can you define what credence is?

12 THE COURT: Credibility.

13 PROSPECTIVE JUROR #081: Oh, credibility? Yes.

14 THE COURT: Yeah.

15 PROSPECTIVE JUROR #081: Yes, I can. I can tell you what I can think of
16 that's low and high.

17 THE COURT: Okay. I'm not quite sure you answered my question, okay?

18 PROSPECTIVE JUROR #081: Okay.

19 THE COURT: So if a police officer comes in and testifies –

20 PROSPECTIVE JUROR #081: Okay. So –

21 THE COURT: And you'll know that a person is a police officer, because
22 they'll either be in a uniform or they'll tell you what they do for a living; that's usually
23 what a witness does. Would you have a tendency to give that person's testimony
24 more weight or credibility or less weight or credibility, simply because they work as a
25 police officer?

1 PROSPECTIVE JUROR #081: I guess I have to give the police officer
2 information, like I give information, like if I will come here – like – okay, like take the
3 next week off but he said I got to come to court. So I guess I got to listen to the
4 officer.

5 THE COURT: Okay. Did you understand my question?

6 PROSPECTIVE JUROR #081: Yeah.

7 THE COURT: Okay. You know what, can I have the parties approach for just
8 one moment.

9 MS. ALLEN: Sure.

10 [Bench conference transcribed as follows:]

11 THE COURT: You know, it's really kind of really hurting my feelings, because
12 some of the other jurors were laughing at him.

13 MR. MacARTHUR: Right.

14 MS. ALLEN: Oh, yeah.

15 THE COURT: Okay. And I don't think that he understands.

16 MR. MAC ARTHUR: I mentioned this yesterday.

17 MS. LUZAICH: Uh-huh.

18 THE COURT: I know you did. And I'm trying to – I was –

19 MR. MAC ARTHUR: I have no objection to having him being released.

20 THE COURT: I can't get a signal from either one of you, I keep looking at
21 you, and –

22 MS. LUZAICH: The State has no objection to him being –

23 MR. MAC ARTHUR: No objection to letting him go.

24 THE COURT: -- guys are giving me blank looks.

25 MS. ALLEN: You can let him go.

1 THE COURT: Usually – okay.
2 MS. ALLEN: Please, let him go.
3 MS. LUZAICH: Yeah.
4 MS. ALLEN: He’s terrible.
5 THE COURT: Because it’s really hurting my heart –
6 MR. MAC ARTHUR: Uh-huh.
7 THE COURT: -- that these other jurors are laughing at him.
8 MS. ALLEN: No, he clearly doesn’t understand.
9 THE COURT: Yeah, I don’t think he understood this last question, so –
10 MS. ALLEN: Yeah.
11 THE COURT: -- I’m just going to ask him to step out.
12 MR. MAC ARTHUR: Okay. No objection.
13 MS. ALLEN: No problem.
14 THE COURT: And calling – just so you all know who the next person is, --
15 MS. LUZAICH: McCreedy, something like that?
16 THE COURT: -- it’s Richard McCreedy.
17 MS. ALLEN: Okay.
18 THE COURT: Okay.
19 MS. ALLEN: Thank you.
20 THE COURT: Thank you.
21 [Bench conference concluded]
22 THE COURT: Okay. Mr. Hernandez, thank you very much. I appreciate you
23 answering – Mr. Hernandez-Diaz, correct?
24 PROSPECTIVE JUROR #081: Yes.
25 THE COURT: Okay. Thank you very much. I appreciate you answering the

1 questions for me. I'm just going to ask you if you can leave the microphone on your
2 chair.

3 PROSPECTIVE JUROR #081: Yeah, I'll leave it.

4 THE COURT: And then you can go back to sitting in your seat. And I do
5 appreciate you being here, sir. Thank you very much.

6 Mr. Richard McCreedy, you're going to become juror number 9. Good
7 afternoon, Mr. McCreedy.

8 PROSPECTIVE JUROR #085: Afternoon.

9 THE COURT: Thank you very much for your patience and your willingness to
10 be here. How long have you lived in Clark County?

11 PROSPECTIVE JUROR #085: Almost 34 years.

12 THE COURT: Your employment, training, education background?

13 PROSPECTIVE JUROR #085: I've got a BA in landscape architecture.

14 THE COURT: In what architecture?

15 PROSPECTIVE JUROR #085: Landscape architecture.

16 THE COURT: That's what I thought you said. So what do you do for a living?

17 PROSPECTIVE JUROR #085: I design parks and trails and anything outside
18 the building. Do a lot of government work and residential design.

19 THE COURT: Your marital status?

20 PROSPECTIVE JUROR #085: Divorced.

21 THE COURT: Do you have any children?

22 PROSPECTIVE JUROR #085: I have one daughter.

23 THE COURT: Is she old enough to be employed?

24 PROSPECTIVE JUROR #085: No, she is not.

25 THE COURT: Do you know of any reason why you could not be a completely

1 fair and impartial juror, if you were selected to serve on this panel?

2 PROSPECTIVE JUROR #085: No, ma'am.

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

4 PROSPECTIVE JUROR #085: No.

5 THE COURT: Have you or anyone close to you, such as a family member or
6 friend, ever been the victim of a crime?

7 PROSPECTIVE JUROR #085: My mother.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR #085: She was molested when she was 13 by her
10 brother's best friend.

11 THE COURT: Now, how did you come to know about that?

12 PROSPECTIVE JUROR #085: My mother felt that it was necessary so that
13 the same thing wouldn't happen to myself.

14 THE COURT: Sure.

15 PROSPECTIVE JUROR #085: So –

16 THE COURT: So when did she disclose that to you?

17 PROSPECTIVE JUROR #085: Fifteen, 16 years old.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR #085: Yeah.

20 THE COURT: And did she give you any of the details or just kind of what you
21 just told me?

22 PROSPECTIVE JUROR #085: Just about what I told you.

23 THE COURT: So she told you generally –

24 PROSPECTIVE JUROR #085: Just to let –

25 THE COURT: -- and this is why you need to be careful?

1 PROSPECTIVE JUROR #085: Correct and that it was wrong.

2 THE COURT: Okay. So you don't know what happened as a result of that?

3 PROSPECTIVE JUROR #085: No, ma'am.

4 THE COURT: Do you know if she disclosed it when she was a child?

5 PROSPECTIVE JUROR #085: Yes, she did disclose it as a child.

6 THE COURT: Okay. Who did she disclose it to?

7 PROSPECTIVE JUROR #085: To her parents.

8 THE COURT: And what happened?

9 PROSPECTIVE JUROR #085: As far as I know, nothing.

10 THE COURT: Okay. Anything about that that would affect your ability to be

11 fair and impartial?

12 PROSPECTIVE JUROR #085: No, ma'am.

13 THE COURT: Okay. Other than what you've just told us, have you or anyone

14 close to you, such as a family member or friend, ever been the victim of sexual

15 abuse, sexual assault or domestic violence?

16 PROSPECTIVE JUROR #085: My mother was also domestically – domestic

17 violence with my father.

18 THE COURT: Okay. And I always hate to ask this but can you give me just

19 kind of a brief statement?

20 PROSPECTIVE JUROR #085: She was just beat up by my father.

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

22 PROSPECTIVE JUROR #085: I'm sure, yes.

23 THE COURT: You know what, how did you come to know about it?

24 PROSPECTIVE JUROR #085: Witnessed.

25 THE COURT: You saw it?

1 PROSPECTIVE JUROR #085: Oh, yeah.
2 THE COURT: As a young person?
3 PROSPECTIVE JUROR #085: As a very young person, yes.
4 THE COURT: How young?
5 PROSPECTIVE JUROR #085: Probably five, six years old.
6 THE COURT: Okay. So really young?
7 PROSPECTIVE JUROR #085: Yes, ma'am.
8 THE COURT: All right. Did they stay together?
9 PROSPECTIVE JUROR #085: No, they did not.
10 THE COURT: Okay.
11 PROSPECTIVE JUROR #085: They were divorced.
12 THE COURT: And so at some point they got divorced?
13 PROSPECTIVE JUROR #085: Correct.
14 THE COURT: But were you aware of whether the police were called and
15 there was any action by the government?
16 PROSPECTIVE JUROR #085: There were never charges brought against
17 my father for any of that.
18 THE COURT: Okay. But you saw it with your own eyes?
19 PROSPECTIVE JUROR #085: Yes –
20 THE COURT: Okay.
21 PROSPECTIVE JUROR #085: -- I defended my mother several times.
22 THE COURT: I'm sorry.
23 PROSPECTIVE JUROR #085: I had defended my mother several times at
24 that age.
25 THE COURT: At five?

1 PROSPECTIVE JUROR #085: Yes, ma'am.

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

4 PROSPECTIVE JUROR #085: No, ma'am.

5 THE COURT: Have you or anyone close to you, such as a family member or
6 friend, ever been accused of a crime?

7 PROSPECTIVE JUROR #085: Yes, ma'am.

8 THE COURT: Okay. Tell me about that.

9 PROSPECTIVE JUROR #085: My father is a 1 Percenter biker, so he –
10 many things that he's been accused of.

11 THE COURT: He's a what biker?

12 PROSPECTIVE JUROR #085: One Percenter, outlaw.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR #085: My brother –

15 THE COURT: So he's been accused – I mean can you give me like kind of a
16 summary or do you know?

17 PROSPECTIVE JUROR #085: He's never actually been convicted of any-
18 thing but he's gone to court but never been –

19 THE COURT: He's been arrested and charged with things?

20 PROSPECTIVE JUROR #085: Correct, correct. He's never been charged.

21 THE COURT: Do you know what they are?

22 PROSPECTIVE JUROR #085: No, I do not.

23 THE COURT: Okay. Did you say he's never been charged?

24 PROSPECTIVE JUROR #085: No, he has not been charged.

25 THE COURT: He's been arrested but always released and never charged?

1 PROSPECTIVE JUROR #085: That's correct, ma'am.

2 THE COURT: Okay. Thank you.

3 PROSPECTIVE JUROR #085: My brother has drug possession, or – not
4 accused but charged with drug possession. He's three years into probation right
5 now.

6 THE COURT: Okay. So he's got a criminal case pending right now?

7 PROSPECTIVE JUROR #085: No, he's in probation, so it's been already –

8 THE COURT: Okay. Well, I would consider that pending.

9 PROSPECTIVE JUROR #085: Okay. Then, yes, it's pending.

10 THE COURT: So he's on probation?

11 PROSPECTIVE JUROR #085: Yes, ma'am.

12 THE COURT: Okay. Is that here in Clark County?

13 PROSPECTIVE JUROR #085: Yes, ma'am.

14 THE COURT: And was it a felony, a gross misdemeanor?

15 PROSPECTIVE JUROR #085: Felony.

16 THE COURT: It's a felony?

17 PROSPECTIVE JUROR #085: Yes, ma'am.

18 THE COURT: And did you follow that case?

19 PROSPECTIVE JUROR #085: No, I did not.

20 THE COURT: All right. How do you know about what you've just told us?

21 PROSPECTIVE JUROR #085: About my brother?

22 THE COURT: Yeah, how do you know about that?

23 PROSPECTIVE JUROR #085: Because I knew he got arrested and I had
24 gone down to CCDC to, you know, put money on his account.

25 THE COURT: Okay. And then, you know, eventually went to court. And did

1 he – was he – did he go to trial or did he plead guilty?

2 PROSPECTIVE JUROR #085: I think he pleaded guilty for possession.

3 THE COURT: Okay. Did you ever go to court with him?

4 PROSPECTIVE JUROR #085: No, ma'am.

5 THE COURT: All right. And you know that he – do you know who he was
6 prosecuted by?

7 PROSPECTIVE JUROR #085: No, ma'am.

8 THE COURT: Okay. Well, he probably was prosecuted by the Clark County
9 District Attorney's office. Do you understand that?

10 PROSPECTIVE JUROR #085: Yes.

11 THE COURT: Do you have any problem with the fact that the prosecutors
12 here are from the same office that prosecuted your brother?

13 PROSPECTIVE JUROR #085: No, ma'am.

14 THE COURT: Okay. Do you think he was treated fairly?

15 PROSPECTIVE JUROR #085: Yes.

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

18 PROSPECTIVE JUROR #085: No, ma'am.

19 THE COURT: And he's currently on probation?

20 PROSPECTIVE JUROR #085: Yes.

21 THE COURT: And how do you know that?

22 PROSPECTIVE JUROR #085: Just from –

23 THE COURT: Talking to him?

24 PROSPECTIVE JUROR #085: -- talking to him. He collects his chips for all
25 his weeks and months of being sober and –

1 THE COURT: Good.

2 PROSPECTIVE JUROR #085: -- just all that stuff.

3 THE COURT: So he's doing well on his probation –

4 PROSPECTIVE JUROR #085: He's doing very well.

5 THE COURT: -- from what you can tell? Okay. And so that's a good thing,

6 right?

7 PROSPECTIVE JUROR #085: Yes, ma'am.

8 THE COURT: Okay. Anything about what you've told us that would affect

9 your ability to be fair and impartial if you're selected to be on this panel?

10 PROSPECTIVE JUROR #085: No, ma'am.

11 THE COURT: Anything else?

12 PROSPECTIVE JUROR #085: No.

13 THE COURT: No. Okay. Would you have a tendency to give more weight or

14 credence or less weight or credence to the testimony of a police officer, simply

15 because he or she is a police officer?

16 PROSPECTIVE JUROR #085: No.

17 THE COURT: Okay. Can you wait in forming your opinion as to the

18 appropriate result to be reached in this case until you've heard all of the evidence

19 and after considering the instructions on the law, which will be given to you by

20 myself at the end of the case? Can you do that?

21 PROSPECTIVE JUROR #085: Yes, ma'am.

22 THE COURT: Okay. Any reason why you could not be a completely fair and

23 impartial juror, if you were selected to be on this panel?

24 PROSPECTIVE JUROR #085: No.

25 THE COURT: Ms. Luzaich, do you have any questions for this juror?

1 MS. LUZAICH: Thank you.

2 Good afternoon, Mr. McCreedy.

3 PROSPECTIVE JUROR #085: Afternoon.

4 MS. LUZAICH: A 1 Percenter, we've seen a lot of that on the news lately. Do
5 you know was your dad any part of the stuff that we'd seen on the news?

6 PROSPECTIVE JUROR #085: No, he was not.

7 MS. LUZAICH: Okay. Are you and your dad close at all?

8 PROSPECTIVE JUROR #085: Yes, we are.

9 MS. LUZAICH: Are you still close with your mom?

10 PROSPECTIVE JUROR #085: Yes.

11 MS. LUZAICH: So you can keep them separate?

12 PROSPECTIVE JUROR #085: Yes, ma'am.

13 MS. LUZAICH: You know, the Court asked you you won't hold it against us
14 that your brother was prosecuted, right?

15 PROSPECTIVE JUROR #085: No, I will not.

16 MS. LUZAICH: Okay. You heard all the questions I was asking today and
17 yesterday. You have a daughter, how old is your daughter?

18 PROSPECTIVE JUROR #085: She's ten.

19 MS. LUZAICH: So I assume you would agree that a woman has the absolute
20 right to say no to sexual advances?

21 PROSPECTIVE JUROR #085: Yes, ma'am.

22 MS. LUZAICH: She ever give up that right?

23 PROSPECTIVE JUROR #085: No.

24 MS. LUZAICH: Is it any different for a child?

25 PROSPECTIVE JUROR #085: No, it is not.

1 MS. LUZAICH: Can you listen to kids – and when I say kids, I mean anybody
2 under 18, not necessarily five or six – can you listen to kids testify and evaluate their
3 testimony the same as you would any adult?

4 PROSPECTIVE JUROR #085: Yes, I feel I do. I can.

5 MS. LUZAICH: Do you think that it would be hard for a child to disclose any
6 kind of physical or sexual abuse?

7 PROSPECTIVE JUROR #085: I feel that they can if they've been coaxed
8 into, you know, that they're either going to get harmed or someone else is going to
9 get harmed, if they do speak the truth or don't speak the truth.

10 MS. LUZAICH: Is that what it would take for you to think that? Like does a
11 child have to be either threatened or something to not disclose? Could there be
12 other reasons that a child wouldn't disclose, other than threats of harm?

13 PROSPECTIVE JUROR #085: Yes. They could have a block that they don't
14 remember it, but, no, not that I can think of.

15 MS. LUZAICH: Maybe they just don't want to talk about it?

16 PROSPECTIVE JUROR #085: Or they don't want to talk about it, yes.

17 MS. LUZAICH: Is that something that you would – or you would consider to
18 be embarrassing?

19 PROSPECTIVE JUROR #085: Yes.

20 MS. LUZAICH: Do you think that – well, do you think all kids are different?

21 PROSPECTIVE JUROR #085: Yes, ma'am.

22 MS. LUZAICH: Just like people are different?

23 PROSPECTIVE JUROR #085: Yes.

24 MS. LUZAICH: Do you think that people perceive things differently?

25 PROSPECTIVE JUROR #085: Yes, they do.

1 MS. LUZAICH: What would cause two different people to perceive the same
2 thing differently in your mind?

3 PROSPECTIVE JUROR #085: It could be location. How they actually viewed
4 the situation. It could be their domestication and how they were raised, by society or
5 their parents or schooling to what they think is right and what they think is wrong.
6 Each person can perceive something differently than anyone else, yes.

7 MS. LUZAICH: Okay. Thanks. Would you agree that some people can be
8 terrible parents?

9 PROSPECTIVE JUROR #085: Yes, ma'am.

10 MS. LUZAICH: Would you hold that against kids?

11 PROSPECTIVE JUROR #085: No.

12 MS. LUZAICH: Do you have an opinion about people who exchange sex for
13 money?

14 PROSPECTIVE JUROR #085: No, I don't.

15 MS. LUZAICH: So if you hear from somebody that they have in the past
16 exchanged sex for money, can you still listen to what that person says and evaluate
17 what they have to say objectively?

18 PROSPECTIVE JUROR #085: Yes, ma'am.

19 MS. LUZAICH: What about people who may describe things that they've
20 done that you believe are really, really foolish and you would never have done?

21 PROSPECTIVE JUROR #085: Yes, I would listen to them for full credibility.

22 MS. LUZAICH: Listen to them –

23 PROSPECTIVE JUROR #085: Right.

24 MS. LUZAICH: -- at least objectively?

25 PROSPECTIVE JUROR #085: Objectively, sorry, yes.

1 MS. LUZAICH: Not automatically disbelieve what they have to say?

2 PROSPECTIVE JUROR #085: Correct.

3 MS. LUZAICH: Do you think you could be a good juror?

4 PROSPECTIVE JUROR #085: Yes, ma'am.

5 MS. LUZAICH: Why?

6 PROSPECTIVE JUROR #085: I can be impartial to listening to everybody
7 and making that judgment off the rule or the law that has been given to – for that
8 particular situation.

9 MS. LUZAICH: Listen to what everybody has to say before you make up your
10 mind?

11 PROSPECTIVE JUROR #085: Yes, ma'am.

12 MS. LUZAICH: Is there anything about you that would prevent you from being
13 able to sit in judgment of someone?

14 PROSPECTIVE JUROR #085: No.

15 MS. LUZAICH: And if you listened to all the testimony, see any evidence, if
16 you were convinced beyond a reasonable doubt the Defendant committed the
17 crimes he's charged with, would you be able to say the word guilty?

18 PROSPECTIVE JUROR #085: Yes, ma'am.

19 MS. LUZAICH: Thank you.

20 I'd pass for cause.

21 THE COURT: Okay. The panel is now yours.

22 MS. ALLEN: Thank you.

23 All right. Mr. McCreedy, I'll just start with you, since you have the
24 microphone.

25 PROSPECTIVE JUROR #085: Sure thing.

1 MS. ALLEN: How are you this afternoon?

2 PROSPECTIVE JUROR #085: Doing good.

3 MS. ALLEN: You seem very eager to be on this jury?

4 PROSPECTIVE JUROR #085: Oh, it's definitely interesting.

5 MS. ALLEN: Why do you say that?

6 PROSPECTIVE JUROR #085: I have not been in this situation to be on a

7 juror panel before.

8 MS. ALLEN: Have you ever been summonsed before? Is this your first time?

9 PROSPECTIVE JUROR #085: I was – six years of college and this is the first

10 one since I got out of college that I've been able to attend.

11 MS. ALLEN: Did you attend college here?

12 PROSPECTIVE JUROR #085: Yes, ma'am.

13 MS. ALLEN: Okay. At UNLV?

14 PROSPECTIVE JUROR #085: Yes, ma'am.

15 MS. ALLEN: All right. You design parks, you said parks and trails, a lot of

16 government and residential design?

17 PROSPECTIVE JUROR #085: Yes, a lot of government and residential.

18 MS. ALLEN: So you spend a lot of time outside?

19 PROSPECTIVE JUROR #085: Yes.

20 MS. ALLEN: You –

21 PROSPECTIVE JUROR #085: No, I pretty much color all day.

22 THE COURT: Wow –

23 MS. ALLEN: That's okay.

24 THE COURT: -- are you kidding?

25 PROSPECTIVE JUROR #085: Yeah, I make ugly buildings look pretty.

1 MS. ALLEN: That's a really good answer, all right.

2 THE COURT: I color – did he say I color all day [to court clerk]?

3 MS. ALLEN: You love your job, don't you?

4 PROSPECTIVE JUROR #085: I do love my job.

5 MS. ALLEN: You get to color all day long. You stay within the lines?

6 PROSPECTIVE JUROR #085: No. Makes it look better when it's outside the
7 lines.

8 MS. ALLEN: I agree with you there. All right. Your brother or your, I'm sorry,
9 your father – you said one percent, a 1 Percenter?

10 PROSPECTIVE JUROR #085: Right. That –

11 MS. ALLEN: I don't even – you would think I would know that. I had no idea.
12 I actually had to turn to my co counsel, I don't understand what that is. Can you
13 explain that? I have no idea.

14 PROSPECTIVE JUROR #085: It's – 1 Percenter is – there's a lot of people
15 that ride bikes or motorcycles, street bikes.

16 MS. ALLEN: Okay.

17 PROSPECTIVE JUROR #085: One percent of them they're usually – is what
18 they're called, they're an outlaw biker.

19 MS. ALLEN: Okay.

20 PROSPECTIVE JUROR #085: They – a Three Patcher is another way of
21 saying it.

22 MS. ALLEN: Okay.

23 PROSPECTIVE JUROR #085: So.

24 MS. ALLEN: All right. I went to law school, I don't know, I guess I don't have
25 a lot of practical commonsense sometimes. But you are close with your dad, is that

1 right?

2 PROSPECTIVE JUROR #085: Yes, ma'am.

3 MS. ALLEN: Okay. And you said he's been accused of a lot of things but
4 never prosecuted?

5 PROSPECTIVE JUROR #085: Correct.

6 MS. ALLEN: Okay. When did your parents separate?

7 PROSPECTIVE JUROR #085: When I was like six years old, seven years
8 old.

9 MS. ALLEN: Okay. Did you go back and forth between their homes?

10 PROSPECTIVE JUROR #085: Yes, ma'am.

11 MS. ALLEN: Okay. Would you say that your mom – your mom's way of
12 raising you and your father's way of raising you are different?

13 PROSPECTIVE JUROR #085: Yes, ma'am.

14 MS. ALLEN: Very different?

15 PROSPECTIVE JUROR #085: My father was also a Marine, so it's very
16 different.

17 MS. ALLEN: Oh, well, that's interesting. Okay. Was he stricter?

18 PROSPECTIVE JUROR #085: He was very strict.

19 MS. ALLEN: All right. So I would have expected the opposite answer, based
20 upon what you just said about him being a One Percenter; but he wasn't, he was
21 very strict with you?

22 PROSPECTIVE JUROR #085: Yes.

23 MS. ALLEN: Okay. Did you meet a lot of his friends?

24 PROSPECTIVE JUROR #085: Yes, ma'am.

25 MS. ALLEN: Okay. Are you still close to a lot of them?

1 PROSPECTIVE JUROR #085: Yes, ma'am.

2 MS. ALLEN: You – I think you agreed that – with Ms. Luzaich's assertion that
3 it would be – sometimes it could be difficult for a child to disclose any sort of abuse,
4 whether it's sexual or physical, even verbal abuse; would you agree with that?

5 PROSPECTIVE JUROR #085: Yes.

6 MS. ALLEN: Okay. Do you think that there are certain – and if I screw this up
7 and you don't understand tell me – but do you think that there are certain people
8 who a child might feel safer disclosing it to? Do you think, let's say, a police officer?

9 PROSPECTIVE JUROR #085: I would hope so, yes.

10 MS. ALLEN: Okay. What about a CPS worker, Child Protective Services?

11 PROSPECTIVE JUROR #085: I would hope so, yes.

12 MS. ALLEN: Okay. What about a school counselor?

13 PROSPECTIVE JUROR #085: Yes.

14 MS. ALLEN: Okay. How about a psychiatrist?

15 PROSPECTIVE JUROR #085: More so.

16 MS. ALLEN: All right. Do you think given the right circumstances a child
17 would, let's say, be more likely to disclose to people like that than their neighbor?

18 PROSPECTIVE JUROR #085: Yes.

19 MS. ALLEN: Okay. Or maybe even a family member?

20 PROSPECTIVE JUROR #085: Yes.

21 MS. ALLEN: Okay. Those people may create a more safe environment for
22 disclosure?

23 PROSPECTIVE JUROR #085: Yes.

24 MS. ALLEN: Okay. Do you think children have the ability to make things up?
25 Just generally and things?

1 PROSPECTIVE JUROR #085: Yes, ma'am.

2 MS. ALLEN: Does your daughter make things up?

3 PROSPECTIVE JUROR #085: Yes, she does.

4 MS. ALLEN: All right. Are you good at catching her?

5 PROSPECTIVE JUROR #085: Yes, I am.

6 MS. ALLEN: All right. Do you think that children – and going further, have the

7 ability to make up things like we're talking about today?

8 PROSPECTIVE JUROR #085: Yes, I do.

9 MS. ALLEN: Okay. Do you think a child naturally has – is embarrassed to

10 talk about sex?

11 PROSPECTIVE JUROR #085: I think to a point where they don't have as

12 much familiarity with it.

13 MS. ALLEN: Okay.

14 PROSPECTIVE JUROR #085: And, maybe, like was mentioned before with

15 the media and social media and how things are done a little differently these – in the

16 2010s. Yes, I think they are a little more exposed to it and they probably know a

17 little bit more.

18 MS. ALLEN: You were listening.

19 PROSPECTIVE JUROR #085: The whole time.

20 MS. ALLEN: Wow, I'm impressed. And everybody else was thinking where

21 am I going for lunch, you were actually listening; well, thank you.

22 So you would agree that you can go on the Internet right now, even on

23 your phone, right?

24 PROSPECTIVE JUROR #085: Yes, ma'am.

25 MS. ALLEN: And you can pull up –

1 PROSPECTIVE JUROR #085: Anything you wanted.

2 MS. ALLEN: -- anything. Pornography, any sort of naked picture, anything
3 you wanted?

4 PROSPECTIVE JUROR #085: Yes, ma'am.

5 MS. ALLEN: Okay. If you wanted to, right. All right.

6 Do you agree that children have an easier access to that, let's say, now
7 than ten years ago?

8 PROSPECTIVE JUROR #085: Yes, ma'am.

9 MS. ALLEN: And it's a lot easier now than it was ten years ago?

10 PROSPECTIVE JUROR #085: Yes.

11 MS. ALLEN: Okay. If you coupled that ease of gaining information with a
12 home life that isn't structured, can you imagine the possibilities?

13 PROSPECTIVE JUROR #085: Yes.

14 MS. ALLEN: Okay. You said you had to defend your mother at various
15 times?

16 PROSPECTIVE JUROR #085: Yes.

17 MS. ALLEN: Okay. Does that still affect you?

18 PROSPECTIVE JUROR #085: No, it does not.

19 MS. ALLEN: Okay. Do you think it affected you growing up?

20 PROSPECTIVE JUROR #085: Yes, it made me not want to touch any
21 women. You know, I didn't -- I was very aware that you were not allowed to --

22 MS. ALLEN: Hit women.

23 PROSPECTIVE JUROR #085: -- touch anybody or hit women or abuse
24 anybody.

25 MS. ALLEN: Okay. All right. So it just -- it increased your awareness of it?

1 PROSPECTIVE JUROR #085: That's correct.

2 MS. ALLEN: Okay. You didn't hold it against your father?

3 PROSPECTIVE JUROR #085: No.

4 MS. ALLEN: All right. Your mother – you said, I think, that you mother had
5 experienced some abuse by her brother's best friend?

6 PROSPECTIVE JUROR #085: Yes, ma'am.

7 MS. ALLEN: Did she tell you about that?

8 PROSPECTIVE JUROR #085: Yes, ma'am.

9 MS. ALLEN: What was her affect when she told you? Do you remember?

10 PROSPECTIVE JUROR #085: Just to be knowledgeable really. She wasn't
11 – it wasn't a very emotional thing. It was that it happened and that to make sure that
12 the situation didn't happen to me, so. But it was not emotional for her when she told
13 me.

14 MS. ALLEN: So it was practical?

15 PROSPECTIVE JUROR #085: It was very practical.

16 MS. ALLEN: Okay. This is what happened. Don't ever do this.

17 PROSPECTIVE JUROR #085: Right. Correct.

18 MS. ALLEN: Okay. All right. I thank you very much for your time, Mr.
19 McCreedy.

20 PROSPECTIVE JUROR #085: You have a good day.

21 MS. ALLEN: You too. If you would pass it back to Ms. Ross.
22 I'm going to talk to you, Ms. Ross. How are you?

23 PROSPECTIVE JUROR #075: Good. How are you?

24 MS. ALLEN: I'm good. Thank you. I'm trying to wind this down and go
25 quicker. So you heard some of the questions I've asked some of the other jurors?

1 PROSPECTIVE JUROR #075: Um-huh.

2 MS. ALLEN: You have to answer yes out loud.

3 PROSPECTIVE JUROR #075: Yes. Yes. Sorry.

4 MS. ALLEN: Okay. And, specifically, the questions that I was asking about,

5 social media and just media in general. Do you think that – I think most of the jurors

6 agree that it's sort of affected the younger generation of children.

7 PROSPECTIVE JUROR #075: Yeah.

8 MS. ALLEN: Would you agree with that as well?

9 PROSPECTIVE JUROR #075: Yes.

10 MS. ALLEN: Okay. Have you seen that – do you have children?

11 PROSPECTIVE JUROR #075: Yes, I do.

12 MS. ALLEN: Have you seen that at all with your kids? It have an effect on

13 your kids?

14 PROSPECTIVE JUROR #075: No. Not –

15 MS. ALLEN: Is your home very structured?

16 PROSPECTIVE JUROR #075: I – well, I'm a single mother –

17 MS. ALLEN: Okay.

18 PROSPECTIVE JUROR #075: -- so it's just me and my son.

19 MS. ALLEN: I see.

20 PROSPECTIVE JUROR #075: So, yes, it's structured but he, he wouldn't –

21 him and I are very close.

22 MS. ALLEN: Okay.

23 PROSPECTIVE JUROR #075: So he tells me everything.

24 MS. ALLEN: All right.

25 PROSPECTIVE JUROR #075: He's not one to look at stuff like that on the

1 Internet.

2 MS. ALLEN: Okay. How old – I'm sorry, how old is your son?

3 PROSPECTIVE JUROR #075: He's 13.

4 MS. ALLEN: He's 13, okay. But it's not just the Internet, is it; it's just
5 television in general?

6 PROSPECTIVE JUROR #075: Well, it's everything; yeah, yes.

7 MS. ALLEN: Okay. You don't even have to – you don't have to go to HBO
8 anymore to get it.

9 PROSPECTIVE JUROR #075: Sure. No, he sees it I mean in movies.

10 MS. ALLEN: Right.

11 PROSPECTIVE JUROR #075: Yeah. But he doesn't really have any
12 comment on it, I mean.

13 MS. ALLEN: All right. Would you agree that based upon this, the idea that
14 you can watch it on television, you can get it as easily as you can, I'm not talking
15 about your son necessarily –

16 PROSPECTIVE JUROR #075: Um-huh.

17 MS. ALLEN: -- but generally, that it wouldn't be hard for someone who didn't
18 have any experience with sex to then describe it?

19 PROSPECTIVE JUROR #075: Yes.

20 MS. ALLEN: Okay. Later?

21 PROSPECTIVE JUROR #075: Yes.

22 MS. ALLEN: Okay. It is that explicit. You can get that kind of explicit stuff on
23 television, movies, that kind of thing?

24 PROSPECTIVE JUROR #075: Yes, correct.

25 MS. ALLEN: I think I asked Mr. Newman this, but you – do you understand

1 what a mandatory reporter is?

2 PROSPECTIVE JUROR #075: Yes.

3 MS. ALLEN: Okay. And just in your own words what would that be? Sorry.

4 PROSPECTIVE JUROR #075: Could you – I know you did ask him, but –

5 MS. ALLEN: Okay. So is it someone – when you – just taking the words,
6 mandatory reporter –

7 PROSPECTIVE JUROR #075: Yes, um-huh.

8 MS. ALLEN: -- it's mandated, right? It's –

9 PROSPECTIVE JUROR #075: Somebody that would report.

10 MS. ALLEN: Has to, right?

11 PROSPECTIVE JUROR #075: Um-huh.

12 MS. ALLEN: They're obligated by law to report?

13 PROSPECTIVE JUROR #075: Correct.

14 MS. ALLEN: Do you know what – who would fall in that category?

15 PROSPECTIVE JUROR #075: Teachers, parents possibly –

16 MS. ALLEN: Okay. Do you think doctors would fall in that category?

17 PROSPECTIVE JUROR #075: Yes, yes, absolutely.

18 MS. ALLEN: Okay. Nurses?

19 PROSPECTIVE JUROR #075: Yes.

20 MS. ALLEN: Maybe even – well, I assume police officers or firefighters,
21 something like that. You would assume it would be those type of –

22 PROSPECTIVE JUROR #075: Yes, yes.

23 MS. ALLEN: Okay. All right. When you heard the charges like I had asked
24 some of the other ones, did this, the sexual assault, did that stand out to you?

25 PROSPECTIVE JUROR #075: That and the other charges as well, yes. It's--

1 MS. ALLEN: So it wasn't just the sexual assault?

2 PROSPECTIVE JUROR #075: It wasn't just the sexual assault.

3 MS. ALLEN: Okay.

4 PROSPECTIVE JUROR #075: Actually, my – sorry –

5 MS. ALLEN: That's okay.

6 PROSPECTIVE JUROR #075: My heart like beats very fast when I, when I

7 hear stuff like that, because I – being – not only being a single mom but being a

8 parent in general, I think of, if anything God forbid, happened to my child. It hits

9 close to home.

10 MS. ALLEN: Okay. Do you think that will affect you hearing this case?

11 PROSPECTIVE JUROR #075: It's hard – it's hard to say. I don't think that I'd

12 be able to hear them talking about it to be honest with you.

13 MS. ALLEN: Okay. When you say them, do you mean just any of the

14 witnesses?

15 PROSPECTIVE JUROR #075: Any of the witnesses.

16 MS. ALLEN: So you think that your judgment might be impaired or it may

17 suffer as a result of hearing people describe whatever, whatever they may come in

18 here, based upon the charges, the sexual assault or whatever it is?

19 PROSPECTIVE JUROR #075: Correct –

20 MS. ALLEN: Okay.

21 PROSPECTIVE JUROR #075: Yes.

22 MS. ALLEN: And this sway in your judgment, does it – which side would it go

23 against? Would it go against the State or the defense?

24 PROSPECTIVE JUROR #075: I mean I can't say. I – it – from what –

25 hearing from what the – just from what the defense has explained of what the

1 charges are, I mean it –

2 MS. ALLEN: Do you mean the State?

3 PROSPECTIVE JUROR #075: Yes, that's what I – sorry.

4 MS. ALLEN: Oh, okay.

5 PROSPECTIVE JUROR #075: Sorry, sorry, yeah.

6 MS. ALLEN: That's okay.

7 PROSPECTIVE JUROR #075: Yes.

8 MS. ALLEN: So – this is always a really difficult question –

9 PROSPECTIVE JUROR #075: Yeah.

10 MS. ALLEN: -- and I never phrase it right, but if you were sitting where Mr.

11 Harris was sitting –

12 PROSPECTIVE JUROR #075: Yes.

13 MS. ALLEN: -- if you were sitting at the defense table and you were the

14 Defendant in this case --

15 PROSPECTIVE JUROR #075: Correct.

16 MS. ALLEN: -- would you be concerned about someone like you on your

17 jury? Does that make sense?

18 PROSPECTIVE JUROR #075: Yes, it makes sense. I don't – I don't know. I
19 mean it's – it's so hard and I don't want to be a concern. But, unfortunately, it's just
20 how I feel.

21 MS. ALLEN: I understand. And I – don't ever feel like you can be honest, we
22 prefer that you're honest up front and then, you know, let the chips fall where they
23 may.

24 PROSPECTIVE JUROR #075: Right.

25 MS. ALLEN: But understand now what you're telling me is of concern for my

1 client.

2 PROSPECTIVE JUROR #075: Sure.

3 MS. ALLEN: Okay. And so I – well, and I would want fair to both sides. I
4 mean it's not – I'm not looking for someone who is absolutely, you know, sides with
5 the defense either. I mean people need to be fair and impartial.

6 PROSPECTIVE JUROR #075: Right.

7 MS. ALLEN: But if these charges are going to affect you or if you think that
8 hearing let's say a child of 12, 13, 14, 15-year-old child talk about something like
9 that and if you think that's going to affect you, this would be the time to disclose that.

10 PROSPECTIVE JUROR #075: Yes, absolutely. I just don't think – I would
11 picture my child up there and I just – I can't – I wouldn't be able to listen to another
12 child saying that, honestly.

13 MS. ALLEN: Okay. So if one got up and testified, you think that would be the
14 end of it –

15 PROSPECTIVE JUROR #075: Yeah.

16 MS. ALLEN: -- and you'd be done?

17 PROSPECTIVE JUROR #075: Yeah.

18 MS. ALLEN: Okay. Do you think maybe you're –

19 PROSPECTIVE JUROR #075: Unfortunately.

20 MS. ALLEN: -- suited for a stolen car case?

21 PROSPECTIVE JUROR #075: Possibly, yes.

22 MS. ALLEN: Or a –

23 PROSPECTIVE JUROR #075: Yes.

24 MS. ALLEN: -- car accident case?

25 PROSPECTIVE JUROR #075: Yes.

1 MS. ALLEN: No, I appreciate you being honest, Ms. Ross, I really, really do.
2 I know it takes a lot sometimes to say that.

3 PROSPECTIVE JUROR #075: Yeah.

4 MS. ALLEN: I appreciate it.

5 PROSPECTIVE JUROR #075: I'm sorry.

6 MS. ALLEN: No, don't ever apologize for that. Thank you so much. I
7 appreciate it.

8 Let's see, I'm going to ask you to pass the microphone all the way down
9 and I'm going to butcher your name, so I'm not even going to say it.

10 THE COURT: Ms. Allen is there going to be a motion?

11 MS. ALLEN: Um-huh.

12 THE COURT: Okay. Can the parties approach?

13 [Bench conference transcribed as follows:]

14 MS. ALLEN: I'm sorry. I just –

15 THE COURT: That's okay.

16 MS. ALLEN: No, I thought you wanted us to do it at the end.

17 THE COURT: No.

18 MS. ALLEN: That's why I wasn't going to ask for cause.

19 THE COURT: No. I like 'em to do it.

20 MS. ALLEN: Okay.

21 THE COURT: So I can hear what they say.

22 MS. ALLEN: I understand.

23 THE COURT: So I'm assuming there's a challenge for cause?

24 MS. ALLEN: Challenge for cause, um-huh.

25 MS. LUZAICH: I just don't think that it rises to deliberate cause. I mean it's

1 preempt for sure. But nobody wants to sit on this, nobody wants to listen to it.

2 MR. MAC ARTHUR: I want to sit on something. I'm never going to be
3 allowed to.

4 MS. LUZAICH: Well, me too, but.

5 THE COURT: She said if a kid gets up and testifies, she's done.

6 MS. ALLEN: She can't listen to anybody else.

7 THE COURT: Okay.

8 MS. LUZAICH: Oh, I guess I took that differently. Okay.

9 THE COURT: Well, I took --

10 MS. ALLEN: She couldn't hear anything. I'm saying, I just --

11 THE COURT: I took it that she was just

12 MS. LUZAICH: Done -- I took it as done; upset. Whatever.

13 THE COURT: Well, do you want to take her on voir dire?

14 MS. LUZAICH: No, no, that's fine. That's fine.

15 THE COURT: Okay. Any objection then?

16 MS. LUZAICH: No.

17 THE COURT: Okay. The challenge for cause is granted. The number two
18 will now be Tom Shinkawa.

19 MS. LUZAICH: Can't we get a Jones or a Smith or?

20 THE COURT: Can we get --

21 MR. MAC ARTHUR: Could we get an Anglo -- did you just ask for an
22 anglicized name?

23 THE COURT: Sure.

24 MS. LUZAICH: A name that's easy to say.

25 THE COURT: You know what if there were --

1 MS. ALLEN: Allen.
2 MS. LUZAICH: Allen.
3 THE COURT: -- if were any --
4 MS. ALLEN: I know. There's an Allen.
5 MR. MAC ARTHUR: What if we want an Obakunda [phonetic].
6 MS. ALLEN: Does that mean --
7 THE COURT: That would be -- Allen is already on the panel.
8 MS. LUZAICH: Actually, that wouldn't be too hard say.
9 MS. ALLEN: Are you going to receive this person now --
10 THE COURT: Right now.
11 MS. ALLEN: -- and question them?
12 THE COURT: That's why I do it.
13 MS. ALLEN: So I'm going to sit down.
14 THE COURT: Right.
15 MS. ALLEN: Okay.
16 THE COURT: Okay.
17 MS. ALLEN: Awesome.
18 [Bench conference concluded]
19 THE COURT: Okay. Ms. Ross, I'm just going to ask you to step out of the
20 box. Do you have the microphone?
21 PROSPECTIVE JUROR #075: Yes.
22 THE COURT: Oh, okay. Thank you. If you'll just step down and you can sit
23 in the back, wherever you would like.
24 Tom Shinkawa, you will now become juror number 2. Mr. Shinkawa
25 can you tell me how long -- if you'd pass the microphone down, that's very nice.

1 Thank you.

2 How long have you lived in Clark County?

3 PROSPECTIVE JUROR #089: I moved here in '81, so that's – be about 33
4 years.

5 THE COURT: Thirty-three years. Your education background?

6 PROSPECTIVE JUROR #089: High school.

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

8 PROSPECTIVE JUROR #089: I'm retired from Clark County.

9 THE COURT: You worked for the government, Clark County?

10 PROSPECTIVE JUROR #089: Yes.

11 THE COURT: What did you do for Clark County?

12 PROSPECTIVE JUROR #089: Sunset maintenance, parks and recreation.

13 THE COURT: You worked at Sunset Park?

14 PROSPECTIVE JUROR #089: Yes.

15 THE COURT: And you took care of the park?

16 PROSPECTIVE JUROR #089: Yes.

17 THE COURT: For how many years?

18 PROSPECTIVE JUROR #089: About 17.

19 THE COURT: That's one of my favorite parks, so thank you. Your marital
20 status?

21 PROSPECTIVE JUROR #089: Single.

22 THE COURT: Do you have any children?

23 PROSPECTIVE JUROR #089: No, just stepchildren, not mine.

24 THE COURT: How many stepchildren do you have?

25 PROSPECTIVE JUROR #089: Three.

1 THE COURT: Three?

2 PROSPECTIVE JUROR #089: Well, I got – make that two.

3 THE COURT: Two. Okay. Are they old enough to be employed?

4 PROSPECTIVE JUROR #089: Yes.

5 THE COURT: Can you tell me what they do for a living?

6 PROSPECTIVE JUROR #089: One's a cabdriver at the airport and the other
7 one works construction.

8 THE COURT: Do you know of any reason why you could not be a completely
9 fair and impartial if you were selected to serve?

10 PROSPECTIVE JUROR #089: No reason.

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

12 PROSPECTIVE JUROR #089: Long time ago, maybe about 2009.

13 THE COURT: That's not that long ago. Was it here in this building?

14 PROSPECTIVE JUROR #089: I really can't say. I really don't know.

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

16 PROSPECTIVE JUROR #089: It was criminal.

17 THE COURT: Is this the first time that you've been to this building?

18 PROSPECTIVE JUROR #089: Yes.

19 THE COURT: Okay. Then if you served as a juror it had to have been in
20 another building, right?

21 PROSPECTIVE JUROR #089: It probably was the old Bridger Building. I'm
22 not too sure, then.

23 THE COURT: Okay. Yeah, have you noticed, the old Bridger Building –

24 PROSPECTIVE JUROR #089: Yeah, it's –

25 THE COURT: -- is now, oof. It's just dirt now. Was it a civil or criminal case?

1 PROSPECTIVE JUROR #089: I believe it was criminal.
2 THE COURT: Were you selected to be the foreperson?
3 PROSPECTIVE JUROR #089: No, I was not.
4 THE COURT: Without telling me what your verdict was, were you able to
5 reach a verdict?
6 PROSPECTIVE JUROR #089: The Defendant, I believe, pleaded out.
7 THE COURT: Okay. So it was resolved without you having to deliberate?
8 PROSPECTIVE JUROR #089: Correct.
9 THE COURT: Is there anything about that experience that would affect your
10 ability to be fair and impartial in this particular case?
11 PROSPECTIVE JUROR #089: No.
12 THE COURT: Thank you. Have you or anyone close to you, such as a family
13 member or friend, ever been the victim of a crime?
14 PROSPECTIVE JUROR #089: Victim of a crime?
15 THE COURT: Yeah. Have you or anyone close to you, such as a family
16 member or friend, ever been the victim of a crime?
17 PROSPECTIVE JUROR #089: No.
18 THE COURT: Have you or anyone close to you, such as a family member or
19 friend ever been the victim of sexual assault, sexual abuse or domestic violence?
20 PROSPECTIVE JUROR #089: Myself domestic violence.
21 THE COURT: Yourself?
22 PROSPECTIVE JUROR #089: Yes.
23 THE COURT: You were the victim of a domestic violence?
24 PROSPECTIVE JUROR #089: Yes.
25 THE COURT: Okay. Can you tell me a little bit about that, what happened?

1 PROSPECTIVE JUROR #089: My wife assaulted me. She punched me in
2 the mouth and I said I wasn't going to have any of that and I called the cops.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR #089: The cops came out. They took her into
5 custody, but for some reason the cop knew my wife and –

6 THE COURT: For some reason the cop knew your wife?

7 PROSPECTIVE JUROR #089: Yes.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR #089: The sergeant did. So –

10 THE COURT: What?

11 PROSPECTIVE JUROR #089: The sergeant.

12 THE COURT: So a sergeant came?

13 PROSPECTIVE JUROR #089: Yes.

14 THE COURT: And the sergeant knew who your wife was?

15 PROSPECTIVE JUROR #089: Yes.

16 THE COURT: What did your wife do for a living?

17 PROSPECTIVE JUROR #089: Well, she was in real estate for a period of
18 time and then work restaurants as a waitress –

19 THE COURT: Okay.

20 PROSPECTIVE JUROR #089: -- and a hostess.

21 THE COURT: But she knew the sergeant?

22 PROSPECTIVE JUROR #089: Yes.

23 THE COURT: She got arrested and then what happened?

24 PROSPECTIVE JUROR #089: No, she was not arrested.

25 THE COURT: Oh, she was not?

1 PROSPECTIVE JUROR #089: No. They just kept her back in the patrol car
2 for awhile.

3 THE COURT: And then what did they do?

4 PROSPECTIVE JUROR #089: Nothing.

5 THE COURT: They let her out?

6 PROSPECTIVE JUROR #089: Well, they just – I was going to work, so they
7 let me go to work and they just released and tell her go in the house and stay away
8 from him.

9 THE COURT: Okay. And then you went to work?

10 PROSPECTIVE JUROR #089: Yes.

11 THE COURT: And when you came home from work was she there?

12 PROSPECTIVE JUROR #089: Yes.

13 THE COURT: Okay. Did everything work out?

14 PROSPECTIVE JUROR #089: Yes.

15 THE COURT: Okay. So she wasn't arrested; no charges were filed, nothing
16 like that?

17 PROSPECTIVE JUROR #089: Nothing like that.

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

20 PROSPECTIVE JUROR #089: I will be fair and impartial in this case.

21 THE COURT: Okay. Have you or anyone close to you, such as a family
22 member or friend ever been accused of a crime?

23 PROSPECTIVE JUROR #089: Not to my knowledge.

24 THE COURT: Okay. Would you have a tendency to give more weight or
25 credence or less weight or credence to the testimony of a police officer, simply

1 because he or she is a police officer?

2 PROSPECTIVE JUROR #089: I will give no more credence.

3 THE COURT: Okay. Let me make – what was your answer?

4 PROSPECTIVE JUROR #089: No more credence. I mean it's just the
5 testimony would be weighed on.

6 THE COURT: Okay. So you would treat that person in – the same way you
7 would treat any other witness?

8 PROSPECTIVE JUROR #089: Yes, ma'am.

9 THE COURT: Okay. Thank you. If you're selected to be on this panel, can
10 you wait in forming your opinion as to the appropriate result to be reached in this
11 case until you have heard all of the evidence from both sides and after you are
12 instructed on the law by myself? Can you do that?

13 PROSPECTIVE JUROR #089: Yes, ma'am.

14 THE COURT: Okay. Can you think of any reason at all why you could not be
15 a completely fair and impartial juror if you were selected to serve on this panel?

16 PROSPECTIVE JUROR #089: No reason, ma'am.

17 THE COURT: Thank you, sir. And, again, thank you very much for your
18 patience and your courtesy.

19 Ms. Luzaich –

20 MS. LUZAICH: Thank you.

21 THE COURT: -- you may question this juror.

22 MS. LUZAICH: Good afternoon, Mr. Shinkawa. How did you feel about that
23 when the police officer, the sergeant released her?

24 PROSPECTIVE JUROR #089: I got no problems with her being release and
25 everything else. But it was a just a judgment call on his part because he really don't

1 want to take her downtown and book her. And it was – I didn't want to see her go to
2 jail either, but it was nice to see her in a patrol car, in the back.

3 MS. LUZAICH: I get that. But I guess my question is more did it make you
4 angry that he released her instead of taking her away?

5 PROSPECTIVE JUROR #089: No, ma'am.

6 MS. LUZAICH: Okay. The – is that the only time you got to see her in the
7 back of a patrol car?

8 PROSPECTIVE JUROR #089: Yes, ma'am.

9 MS. LUZAICH: She never hit you again?

10 PROSPECTIVE JUROR #089: Never touched me again.

11 MS. LUZAICH: Okay. That's a good thing. The two step kids that you
12 mentioned, would they be her kids?

13 PROSPECTIVE JUROR #089: Yes, ma'am.

14 MS. LUZAICH: Did you participate in raising them or were they already older
15 when you came into their lives?

16 PROSPECTIVE JUROR #089: The daughter, Jeanine, she was 13 years old
17 and she was living with my wife then. And she'd move in with her brother. So she
18 moved out the house after she ran away. So it's one of them things.

19 MS. LUZAICH: Why did she run away?

20 PROSPECTIVE JUROR #089: Headstrong. She knows everything. You
21 know, the same thing like any teenager does; you know, they know everything.
22 They know what you know and they know more.

23 MS. LUZAICH: Of course they do. How – is the son older than her?

24 PROSPECTIVE JUROR #089: Yes.

25 MS. LUZAICH: A bit older?

1 PROSPECTIVE JUROR #089: I would say about – I would say eight years
2 older.

3 MS. LUZAICH: So when you came into their lives, he was already not living
4 with his mom?

5 PROSPECTIVE JUROR #089: Yes. He was living with his father.

6 MS. LUZAICH: Okay. Did you have any decision making authority when it
7 came to the daughter or was she just out of the house and not living with you?

8 PROSPECTIVE JUROR #089: She lived with us for awhile but then, you
9 know, then she ran away. And then the – we couldn't control her, you know. So
10 she moved in with the son.

11 MS. LUZAICH: Did she ever come back to your house and live?

12 PROSPECTIVE JUROR #089: Yes, for awhile, but you know, just, eh, uh.

13 MS. LUZAICH: In and out?

14 PROSPECTIVE JUROR #089: In and out.

15 MS. LUZAICH: Was it a difficult situation for you?

16 PROSPECTIVE JUROR #089: A little bit, but it's baggage that some people
17 have and you have to deal with it.

18 MS. LUZAICH: All right. Okay. So in light of that, do you feel that you have a
19 little bit of experience dealing with kids and kind of evaluating what they have to
20 say?

21 PROSPECTIVE JUROR #089: Yes, ma'am.

22 MS. LUZAICH: Can you evaluate the testimony of kids the same as you
23 would any other witness?

24 PROSPECTIVE JUROR #089: Yes, ma'am.

25 MS. LUZAICH: With an open mind objectively?

1 PROSPECTIVE JUROR #089: Yes, ma'am.

2 MS. LUZAICH: Do you think that it might be hard for kids to disclose abuse to
3 someone else?

4 PROSPECTIVE JUROR #089: It has to do with the individual child.
5 Sometimes they make up things. And sometimes they tell the truth. So you just
6 have to evaluate for what the situation, what the person says.

7 MS. LUZAICH: Okay. But just like adults sometimes they make up things,
8 sometimes they tell the truth, right?

9 PROSPECTIVE JUROR #089: Correct.

10 MS. LUZAICH: Can you think of reasons that a kid might not disclose that
11 they were being abused?

12 PROSPECTIVE JUROR #089: Yes, ma'am.

13 MS. LUZAICH: What might some reasons be in your mind?

14 PROSPECTIVE JUROR #089: Would be, probably, shame and then the peer
15 pressure of the other parent or whatever saying something. And then the loss of the
16 family structure.

17 MS. LUZAICH: Do you think that it is embarrassing to have to talk about
18 things of that nature?

19 PROSPECTIVE JUROR #089: Yes.

20 MS. LUZAICH: Okay. Is that something that you might take into
21 consideration when evaluating testimony?

22 PROSPECTIVE JUROR #089: Yes.

23 MS. LUZAICH: Do you think that – well, do you have an opinion about
24 individuals who exchange sex for money?

25 PROSPECTIVE JUROR #089: No, ma'am. It's – there has to be a reason,

1 but if – it's their business.

2 MS. LUZAICH: Okay. Illegal, but it's still what they do?

3 PROSPECTIVE JUROR #089: I have an opinion on this, if you want to hear
4 it?

5 MS. LUZAICH: I – absolutely I want to hear it.

6 PROSPECTIVE JUROR #089: Everybody does it for money.

7 MS. LUZAICH: In one way or another?

8 PROSPECTIVE JUROR #089: In one way or another. In other words –

9 MS. LUZAICH: Okay.

10 PROSPECTIVE JUROR #089: -- you married a person and it's the long term.
11 Don't marry the person, it's the short term.

12 MS. LUZAICH: I like that. Okay. So if somebody in court tells you about how
13 they have actually exchanged sex for money, in the illegal sense, can you still listen
14 to what that person has to say and be objective?

15 PROSPECTIVE JUROR #089: Yes, ma'am.

16 MS. LUZAICH: You won't automatically disbelieve what they have to say
17 simply because they've told you that they exchanged sex for money, which is a
18 crime?

19 PROSPECTIVE JUROR #089: Which is a crime, yes, but it's still their
20 testimony and you have to give weight to anything what they say.

21 MS. LUZAICH: Okay. Are you expecting to see or hear anything in this trial?

22 PROSPECTIVE JUROR #089: Expecting? I just expect the truth, ma'am.

23 MS. LUZAICH: Okay. So do we. You've heard the questions that I've asked
24 over the last two days, is there anything that you think that I need to know in light of
25 what I've been asking about you? Is there anything you think I need to know or we

1 need to know about you?

2 PROSPECTIVE JUROR #089: No, ma'am. Everything you ask me, I'll
3 answer.

4 MS. LUZAICH: Do you think you would be a good juror?

5 PROSPECTIVE JUROR #089: Yes, ma'am.

6 MS. LUZAICH: Why?

7 PROSPECTIVE JUROR #089: I'm fair and impartial. I listen to everything,
8 then I make my decision.

9 MS. LUZAICH: Okay. Is there anything about you that would prevent you
10 from being able to sit in judgment of somebody?

11 PROSPECTIVE JUROR #089: No, ma'am. I can –

12 MS. LUZAICH: You hesitated.

13 PROSPECTIVE JUROR #089: I always hesitate because I have to think
14 important questions through.

15 MS. LUZAICH: Okay. Thank you. I appreciate that. So if you serve as a
16 juror in this case and you listen to all the testimony, see any evidence that might be
17 admitted, if you are convinced beyond a reasonable doubt the Defendant committed
18 the crimes that he is charged with, would you be able to say the word guilty?

19 PROSPECTIVE JUROR #089: Yes, ma'am.

20 MS. LUZAICH: Thank you. Pass for cause

21 THE COURT: Ms. Allen –

22 MS. ALLEN: Yes.

23 THE COURT: -- it's your panel

24 MS. ALLEN: Thank you.

25 Good afternoon, Mr. Shinkawa.

1 PROSPECTIVE JUROR #089: Good afternoon.

2 MS. ALLEN: How are you?

3 PROSPECTIVE JUROR #089: Okay.

4 MS. ALLEN: I think – oh, you were asked if you served on a jury before, is
5 that right?

6 PROSPECTIVE JUROR #089: Say again.

7 MS. ALLEN: You served on a jury before, is that right?

8 PROSPECTIVE JUROR #089: Yes, a long time ago.

9 MS. ALLEN: Okay. I can't remember if you said it was a good experience,
10 bad experience?

11 PROSPECTIVE JUROR #089: It was an enlightening experience.

12 MS. ALLEN: Enlightening?

13 PROSPECTIVE JUROR #089: Yeah.

14 MS. ALLEN: Would you say that you – were you – would you say you were
15 glad you did it?

16 PROSPECTIVE JUROR #089: Yes.

17 MS. ALLEN: Okay. All right. I have to say, I think – I just – your answers
18 were very entertaining and I really liked them, so I really don't think I'm going to pick
19 you on all that much.

20 PROSPECTIVE JUROR #089: Thank you.

21 MS. ALLEN: You're welcome. If you could just pass – I was going towards
22 seat number 7, if you could pass it down.

23 PROSPECTIVE JUROR #089: Okay.

24 MS. ALLEN: And I promise I'll get to you this time. Could you say your last
25 name for me?

1 PROSPECTIVE JUROR #015: Urquico [pronounces name].
2 MS. ALLEN: Urquico [pronounces name]?
3 PROSPECTIVE JUROR #015: Yes.
4 MS. ALLEN: How are you?
5 PROSPECTIVE JUROR #015: All right. How you doing?
6 MS. ALLEN: Okay. So tell me, excited about your jury summons?
7 PROSPECTIVE JUROR #015: No.
8 MS. ALLEN: Not at all?
9 PROSPECTIVE JUROR #015: Not at all.
10 MS. ALLEN: Why not?
11 PROSPECTIVE JUROR #015: Well, one, it just – you know, it takes time out
12 of your stuff. But then also I'm a very timid person.
13 MS. ALLEN: Okay.
14 PROSPECTIVE JUROR #015: Yeah. So –
15 MS. ALLEN: You don't like to talk?
16 PROSPECTIVE JUROR #015: Not really, no.
17 MS. ALLEN: So I'm going to sit here and make you talk –
18 PROSPECTIVE JUROR #015: Yeah.
19 MS. ALLEN: -- in front of everybody. All right. So you're not going to –
20 you're not aspiring to be a lawyer someday?
21 PROSPECTIVE JUROR #015: No.
22 MS. ALLEN: So you can get up and talk in front of a bunch of people –
23 PROSPECTIVE JUROR #015: No, I'm the guy that –
24 MS. ALLEN: -- and bore them and listening?
25 PROSPECTIVE JUROR #015: No, I'm guy that likes to clock in, make my

1 money and go home.

2 MS. ALLEN: All right. What kind of work do you do?

3 PROSPECTIVE JUROR #015: I'm a bartender.

4 MS. ALLEN: Oh, okay, all right. Doesn't that require you to talk to people?

5 PROSPECTIVE JUROR #015: It requires me to BS with people, yes.

6 MS. ALLEN: Aren't you a smooth, smooth dude. Aren't you like a pseudo
7 psychiatrist or something?

8 PROSPECTIVE JUROR #015: No, no.

9 MS. ALLEN: Don't you ever listen to people gripe and complain about every-
10 thing?

11 PROSPECTIVE JUROR #015: I do. But see over here I tell the truth or I
12 have to tell the truth. Over there, I can tell you what you want to hear, so make my
13 tip bigger.

14 MS. ALLEN: Oh, I bet that could get very creative?

15 PROSPECTIVE JUROR #015: Yeah.

16 MS. ALLEN: And you strike me as a very creative kind of person. All right.
17 So you like your job?

18 PROSPECTIVE JUROR #015: Yes, I do.

19 MS. ALLEN: All right. So you – for you it pretty much sucks being here, is
20 that right?

21 PROSPECTIVE JUROR #015: I wouldn't say sucks, but –

22 MS. ALLEN: You don't want to be here?

23 PROSPECTIVE JUROR #015: Yeah.

24 MS. ALLEN: All right. Are you the kind of juror that you think can sit through
25 this case – I mean I know you don't want to be here – but if –

1 PROSPECTIVE JUROR #015: No, I mean I can do what is expected of me.
2 But, like I said, I'm a very timid person to where – like you brought up before, I was
3 thinking about the question you asked, it was: If it was 11 to 1.

4 MS. ALLEN: Oh, I think Lisa asked that.

5 PROSPECTIVE JUROR #015: Oh, yeah. If it was 11 to 1, I might, I don't
6 know.

7 MS. ALLEN: Cave?

8 PROSPECTIVE JUROR #015: Yeah. I'm a very timid; I'm like, okay.

9 MS. ALLEN: So you're not the stand your ground kind of guy?

10 PROSPECTIVE JUROR #015: No.

11 MS. ALLEN: All right.

12 PROSPECTIVE JUROR #015: No.

13 MS. ALLEN: You seem like you probably are open-minded though?

14 PROSPECTIVE JUROR #015: Yes.

15 MS. ALLEN: Very open-minded?

16 PROSPECTIVE JUROR #015: Yes.

17 MS. ALLEN: All right. But if its five to five and 11 people are saying X and
18 you're saying Y at first, you know, you're going to probably say, oh, uh.

19 PROSPECTIVE JUROR #015: I mean I'll speak my mind once and if it
20 comes to too much pressure, I might start questioning myself, start questioning what
21 I see.

22 MS. ALLEN: Okay. All right. Okay. Fair enough. Do the – did the charges
23 bother you, the number, the kind, what –

24 PROSPECTIVE JUROR #015: Yes, just the age.

25 MS. ALLEN: What do you mean?

1 PROSPECTIVE JUROR #015: Of the victims or of the people in there. I
2 have two children of my own, so.

3 MS. ALLEN: You what? Two kids of your own?

4 PROSPECTIVE JUROR #015: Yeah, so.

5 MS. ALLEN: Okay. How old are your kids?

6 PROSPECTIVE JUROR #015: Six and three.

7 MS. ALLEN: All right. So they're young?

8 PROSPECTIVE JUROR #015: Yes.

9 MS. ALLEN: Okay. But the three-year-old is just sort of starting to be verbal?

10 PROSPECTIVE JUROR #015: He's a little more advanced 'cause he picked
11 up stuff early from his older brother.

12 MS. ALLEN: Yeah, that's a problem.

13 PROSPECTIVE JUROR #015: Yes.

14 MS. ALLEN: Especially when they start getting older.

15 PROSPECTIVE JUROR #015: So he acts older than he really is.

16 MS. ALLEN: Okay. All right. So you see your 3-year-old imitating this 6-
17 year-old?

18 PROSPECTIVE JUROR #015: Yes.

19 MS. ALLEN: Okay. Do you think that can carry over into older children, like a
20 12-year-old imitating a 17-year-old?

21 PROSPECTIVE JUROR #015: Um, it could.

22 MS. ALLEN: I mean siblings.

23 PROSPECTIVE JUROR #015: It could.

24 MS. ALLEN: Okay. You could see like a 12-year-old looking up to their older
25 brother or sister and –

1 PROSPECTIVE JUROR #015: Yes.
2 MS. ALLEN: -- imitating them?
3 PROSPECTIVE JUROR #015: Yes.
4 MS. ALLEN: Do you have siblings?
5 PROSPECTIVE JUROR #015: Yes, I have one younger brother.
6 MS. ALLEN: You have one what?
7 PROSPECTIVE JUROR #015: Younger brother.
8 MS. ALLEN: Younger brother?
9 PROSPECTIVE JUROR #015: Yes.
10 MS. ALLEN: How much younger?
11 PROSPECTIVE JUROR #015: Three years.
12 MS. ALLEN: Three years younger?
13 PROSPECTIVE JUROR #015: Yeah.
14 MS. ALLEN: Did you ever find that he did that with you sort of?
15 PROSPECTIVE JUROR #015: Yes.
16 MS. ALLEN: Try to follow you around?
17 PROSPECTIVE JUROR #015: He always wanted to follow me around
18 everywhere and --
19 MS. ALLEN: Want to hang out with you and your buddies?
20 PROSPECTIVE JUROR #015: Yeah.
21 MS. ALLEN: Yeah?
22 PROSPECTIVE JUROR #015: Yeah.
23 MS. ALLEN: Okay. He was annoying, wasn't he?
24 PROSPECTIVE JUROR #015: Yes, he was.
25 MS. ALLEN: Yeah. All right. Okay. I thank you for your time.

1 PROSPECTIVE JUROR #015: Thank you.

2 MS. ALLEN: And I'm done and so you're off – the spotlight is off, okay, I
3 know.

4 Let's see Ms. Randolph. If you could pass the microphone, please.

5 PROSPECTIVE JUROR #033: Hello.

6 MS. ALLEN: Hi, how are you?

7 PROSPECTIVE JUROR #033: Okay.

8 MS. ALLEN: I'm good. Tired is what I am. I noticed there was some reaction
9 that you had to some of the things I had said earlier before lunch and you're shaking
10 your head sort of emphatically, at least for the purpose of jury selection. Can you
11 tell me what were some – what was something that struck you? 'Cause I saw that
12 you were reacting to it, so what was it that struck you?

13 PROSPECTIVE JUROR #033: It's with a case involving the kids. It's not
14 really just a sexual assault, but the fact that it's with minors it is just, really,
15 disturbing.

16 MS. ALLEN: That bothers you?

17 PROSPECTIVE JUROR #033: Yes, it does.

18 MS. ALLEN: Okay. Is this something that's going to disturb you to the point
19 of not being able to be fair?

20 PROSPECTIVE JUROR #033: Yesterday I thought it wouldn't and I was
21 really looking forward to serve. I mean as of – I mean right now, I really don't know.
22 I couldn't say.

23 MS. ALLEN: Okay. So you're –

24 PROSPECTIVE JUROR #033: I'm just being totally honest, yes.

25 MS. ALLEN: All right. No, no, no, no; total honesty.

1 PROSPECTIVE JUROR #033: That's being totally honest.

2 MS. ALLEN: So you're having second thoughts?

3 PROSPECTIVE JUROR #033: Yes, I am.

4 MS. ALLEN: Okay. And it's really just the idea that there's children who

5 could be coming in here and testifying about this?

6 PROSPECTIVE JUROR #033: Exactly, exactly.

7 MS. ALLEN: Things that you just, in your mind, you don't think that they

8 would know?

9 PROSPECTIVE JUROR #033: It's just that I didn't – that involves kids.

10 MS. ALLEN: Okay. Is that 'cause you work with them?

11 PROSPECTIVE JUROR #033: Yes.

12 MS. ALLEN: Okay. Do you think it's possible for children to make things up?

13 PROSPECTIVE JUROR #033: Yes, I do think it's possible. Yes.

14 MS. ALLEN: In instances like this, do you think it's possible to make it up?

15 PROSPECTIVE JUROR #033: I think it's possible but highly unlikely.

16 MS. ALLEN: Highly unlikely?

17 PROSPECTIVE JUROR #033: Yes.

18 MS. ALLEN: All right. And so in your mind – this is probably yanking it on. I

19 really apologize, I'm tired. In your mind, then, I guess you sort of rest with the State

20 in that you kind of think that what they bring in would – you would be more in line

21 with what they brought in?

22 PROSPECTIVE JUROR #033: I tend to lean with the theory where there's

23 smoke there's fire.

24 MS. ALLEN: Okay.

25 PROSPECTIVE JUROR #033: That's only been 'cause of my experience,

1 that I – what I've seen, witnessed. Not just – just kids in general, that's not
2 necessarily a sexual assault but just in general, yes.

3 MS. ALLEN: Just abuse in general or –

4 PROSPECTIVE JUROR #033: Right, exactly.

5 MS. ALLEN: Okay. So it could be abuse, it could be sexual assault, it could –

6 PROSPECTIVE JUROR #033: Right, exactly.

7 MS. ALLEN: -- variety of things?

8 PROSPECTIVE JUROR #033: Exactly.

9 MS. ALLEN: All right. Do you think then you'd be suited for, like, a stolen
10 car?

11 PROSPECTIVE JUROR #033: Maybe.

12 MS. ALLEN: You're like no jury at all, right? Just no jury service at all?

13 PROSPECTIVE JUROR #033: I just – I just don't know really, how partial I
14 could really be. I'm just being totally honest with you.

15 MS. ALLEN: Again –

16 PROSPECTIVE JUROR #033: Yeah, yeah.

17 MS. ALLEN: -- I, I – no one thinks any differently of you, I promise, we all just
18 want the honest truth.

19 PROSPECTIVE JUROR #033: And I'm very analytical at times, very
20 analytical.

21 MS. ALLEN: Okay.

22 PROSPECTIVE JUROR #033: But it's just going to be – I know it would be
23 difficult not to have my emotions, you know.

24 MS. ALLEN: Not to have like an emotional response to this, okay.

25 PROSPECTIVE JUROR #033: Exact.

1 MS. ALLEN: Are you kind of like Ms. Ross where you thought if I hear the
2 first one, like, I'm kind of done after that?

3 PROSPECTIVE JUROR #033: I really don't know. I just, I just think about,
4 you know, my job and seeing the kids. You know how I'm directly with the kids all
5 the time. I just have a feeling it's going to be really difficult to sit through that.

6 MS. ALLEN: Okay. From the standpoint of the defense and Mr. Harris then,
7 again, this question never comes out right when I say it; but if you were sitting at
8 defense table in Mr. Harris' position, would you be concerned about having a juror
9 like you?

10 PROSPECTIVE JUROR #033: Yes.

11 MS. ALLEN: Okay. All right.

12 THE COURT: Okay. Why – if you or someone you loved were sitting at a
13 defense table, you've indicated you'd have a problem with a juror like you, why is
14 that?

15 PROSPECTIVE JUROR #033: Because the situation involves kids --

16 THE COURT: Okay.

17 PROSPECTIVE JUROR #033: -- whether it's just allegations, we don't know
18 that; it's just that would be – that's going to be troubling towards it.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR #033: I'm just being –

21 THE COURT: And so – I'm just trying to understand –

22 PROSPECTIVE JUROR #033: Right, right.

23 THE COURT: -- what you're saying.

24 PROSPECTIVE JUROR #033: Right.

25 THE COURT: Are you saying because of the allegations you don't think you

1 can be fair to the parties in this matter?

2 PROSPECTIVE JUROR #033: I would try to be and I can you tell I would be
3 fair but I couldn't promise you that my emotions wouldn't get involved and I would
4 lean towards the State.

5 THE COURT: Okay. All right. Because you understand we can't wait until
6 we get in the middle of the case or the end?

7 PROSPECTIVE JUROR #033: Right. Exactly. That's why I'm telling you that
8 now, yeah.

9 THE COURT: Or the end of the case?

10 PROSPECTIVE JUROR #033: Exactly. I wouldn't – I would want a fair trial.
11 If I was the Defendant – if it was me at the table, I would want a fair trial. I would
12 wouldn't want someone that, you know, that their emotions get in the way and –

13 THE COURT: Okay.

14 PROSPECTIVE JUROR #033: -- and that's someone's life on the line.

15 THE COURT: Right. I agree with that. Are you a person that you believe you
16 won't be able to give these people a fair trial?

17 PROSPECTIVE JUROR #033: I would try my hearts of hearts, but to hear the
18 kids testify would be the hardest part.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR #033: If I could just read something or if it was just
21 all – but, you know, to actually see a witness, a young witness, you know, recall
22 events like that, whether it's alleged or really did happen, wouldn't matter, just to see
23 a child, you know, recall something like that would be – it's going to be very
24 disturbing.

25 THE COURT: Not much of what we do in here is easy, okay.

1 PROSPECTIVE JUROR #033: Right.

2 THE COURT: Pretty much everything we do –

3 PROSPECTIVE JUROR #033: Right, exactly.

4 THE COURT: -- in here is hard. Okay. So even if it is going to be hard, are

5 – I mean because it's going to be hard, is that going to interfere with your ability to

6 be fair and impartial?

7 PROSPECTIVE JUROR #033: I would hope it wouldn't. I would still try to be

8 open-minded about them, but just being as honest as I can.

9 THE COURT: Okay. And you've said – I'm trying to figure out what you're

10 trying to say.

11 PROSPECTIVE JUROR #033: Right, right.

12 THE COURT: And so I'm just going to ask you are you a person that can be

13 fair and impartial to the State of Nevada and the defense?

14 PROSPECTIVE JUROR #033: I think I can be a fair person, yes, but it's

15 going to be difficult to listen to kids give testimony of something like –

16 THE COURT: Okay.

17 PROSPECTIVE JUROR #033: -- that nature.

18 THE COURT: 'Cause that's different. I don't have a problem with a juror that

19 thinks it's going to be difficult to hear the type of testimony you're going to hear.

20 PROSPECTIVE JUROR #033: Right, right.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR #033: Right.

23 THE COURT: That's difficult.

24 PROSPECTIVE JUROR #033: Right.

25 THE COURT: You can still be a juror if you believe the testimony is going to

1 difficult to hear.

2 PROSPECTIVE JUROR #033: Right.

3 THE COURT: What I need to know is, although –

4 PROSPECTIVE JUROR #033: Will I be fair, yes.

5 THE COURT: -- remember, she's got to take down everything –

6 PROSPECTIVE JUROR #033: I'm sorry.

7 THE COURT: -- that's being said, that's why we try not to talk over each
8 other. So, I agree, it may be difficult; may be difficult for everyone that's on the jury
9 panel. But even if it is going to be difficult, are you a person that will sit through this
10 trial, listen to the difficult testimony, keep an open mind, listen to both sides and be
11 fair and impartial to both sides?

12 PROSPECTIVE JUROR #033: Yes, I would be. I would –

13 THE COURT: Okay.

14 PROSPECTIVE JUROR #033: -- I would be.

15 THE COURT: Do you understand that's a little bit different –

16 PROSPECTIVE JUROR #033: Yes.

17 THE COURT: -- than what you told Ms. Allen?

18 PROSPECTIVE JUROR #033: I understand now.

19 THE COURT: Okay. Well – and I'm not trying to talk you into --

20 PROSPECTIVE JUROR #033: Right.

21 THE COURT: Remember, there's no right or wrong answer.

22 PROSPECTIVE JUROR #033: Right.

23 THE COURT: I'm not trying to talk you into any answer. I just want the truth.
24 I want a panel of jurors that are going to be fair and impartial to the State as well as
25 to this gentleman [indicating]. Do you understand that?

1 PROSPECTIVE JUROR #033: Yes, Your Honor.

2 THE COURT: Okay. And so Ms. Allen asked an excellent question, if you or
3 someone you loved was sitting at that defense table, would you be comfortable with
4 someone like you sitting as a juror?

5 PROSPECTIVE JUROR #033: I would still be a little uncomfortable, because
6 I really love kids. I work with kids all the time. And just the ideas of kids and sexual
7 assault, it's just really – it's just so disturbing.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR #033: It just –

10 THE COURT: And you agree that your family member would be entitled to a
11 juror who was fair and impartial?

12 PROSPECTIVE JUROR #033: Right.

13 THE COURT: Okay. So when I ask you that question, you say oh, no, no, I
14 wouldn't want someone like me. See –

15 PROSPECTIVE JUROR #033: Right.

16 THE COURT: -- at first you'll tell me I can be fair and impartial –

17 PROSPECTIVE JUROR #033: Yeah.

18 THE COURT: -- then when I ask whether that was your family member, you
19 kind of backtrack and you don't want someone like you. So can you kind of
20 reconcile that for me, if you can?

21 PROSPECTIVE JUROR #033: Right. I want to be fair. I want to be as fair as
22 possible.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR #033: I'm just saying I don't know until – if I could be
25 totally fair. If I would let my emotions sway me, you know, and not be – like, pass

1 the judgment. If that's the best way I can describe it.

2 THE COURT: Okay. You want to be fair.

3 PROSPECTIVE JUROR #033: I want to, I have a deep desire to be fair.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR #033: Um-huh.

6 THE COURT: And are you telling me that you might not be able to be fair?

7 PROSPECTIVE JUROR #033: Exactly.

8 THE COURT: Okay.

9 MS. ALLEN: Come up?

10 THE COURT: Uh-huh.

11 [Bench conference transcribed as follows:]

12 MS. ALLEN: Obviously, challenge.

13 MS. LUZAICH: I just think that she said she might not. It's going to be
14 difficult if everybody feels that way.

15 THE COURT: I completely agree.

16 MS. LUZAICH: So I don't think it rises to the level of cause.

17 THE COURT: Here's the problem, you know, there's that case, it's a recent
18 case where Judge Vega was the Judge and – do you know what I'm talking about?

19 MS. ALLEN: I think I do.

20 THE COURT: They just started jury selected and the juror kind of said –

21 MS. LUZAICH: Waffled?

22 THE COURT: Waffled. And then when the Judge questioned the juror, oh,
23 no, I can be fair and impartial. And the Supreme Court said, no, you got to let those,
24 you know, when they tell you they can't be fair and impartial, you got to let those
25 people go. So –

1 MS. LUZAICH: But she didn't say she can't be –

2 THE COURT: Well –

3 MS. LUZAICH: -- she said she eh, eh, eh.

4 THE COURT: -- here's what I always have a problem with, she – for some
5 reason I start ask them, that's why I always say I'm not trying to talk you into saying
6 something. But they will always tell me something different than they tell the
7 attorney. She did that. She told me something –

8 MR. MAC ARTHUR: Judge, they're telling us that.

9 THE COURT: And I'm not, I promise I'm not trying to talk her into it.

10 MS. ALLEN: Yeah, we know.

11 THE COURT: But for some reason they'll want to tell me they're going to be
12 fair and impartial. Once you ask that question and I've asked it twice, whether you
13 were sitting there or a family member, both times she said I wouldn't want a juror
14 like me.

15 MS. ALLEN: I just feel like it's err in the side of caution.

16 THE COURT: So I'll let you take her on voir dire if you want, but it seems
17 pretty clear to me that if she was sitting there, she wouldn't want someone.

18 MS. LUZAICH: But that's not what the standard is.

19 THE COURT: I agree. It's whether you can be fair and impartial. And when I
20 ask her, well, if you or someone you loved was sitting there, what – you know, I
21 asked her to reconcile it. Well, because – I think because of the allegations and the
22 fact that kids will be testifying that my emotions will interfere.

23 MS. LUZAICH: Yeah, but everybody thinks that. I, I just – I don't think it rises
24 to the level of cause.

25 THE COURT: I don't. I could sit on any case no matter what.

1 MR. MAC ARTHUR: Yeah.

2 MS. LUZAICH: Well, I don't have a heart, but –

3 THE COURT: But we're different.

4 MS. LUZAICH: Yeah.

5 THE COURT: We're different. We're kind of trained to just -- we're just weird.

6 MS. LUZAICH: I know, but –

7 THE COURT: We're different. We are.

8 MS. ALLEN: I know.

9 THE COURT: We don't think like the regular people out there.

10 MS. ALLEN: No we don't.

11 THE COURT: I could sit on any case.

12 MS. LUZAICH: I just – she's never said that she can't be fair. She said it'll be

13 hard. She said she – you know, if she's sitting there she doesn't want herself, but

14 that's not what the standard is.

15 MS. ALLEN: My thoughts are – I'm sorry.

16 MS. LUZAICH: That's not, can't be fair.

17 MS. ALLEN: My concern is that she's like, well, I think I could; but once I hear

18 it I don't know that I can –

19 THE COURT: Yeah.

20 MS. ALLEN: -- and that's why I'm concerned. So if the kid gets on the stand

21 and all of a sudden she starts saying, oh, my God and starts crying.

22 MS. LUZAICH: I know. I still don't think it rises to the level of cause that's

23 what preempts are for –

24 MS. ALLEN: I know. I understand.

25 MS. LUZAICH: -- and that's the State's position.

1 THE COURT: Okay. I can question her again, but do you want to take her on
2 voir dire?

3 MS. LUZAICH: No, I think the record is fine where it is and, I mean, you're
4 going to do what you're going to do, so.

5 THE COURT: Okay. So you don't want me to question her anymore?

6 MS. LUZAICH: [No verbal response].

7 THE COURT: Okay. 'Cause I think every time I question her she's just trying
8 to please me. And so she's –

9 MS. LUZAICH: Right. She's trying to please whoever is asking her
10 questions.

11 THE COURT: Yes, and I hate that.

12 MS. LUZAICH: I agree.

13 THE COURT: And so –

14 MS. LUZAICH: And if I question her, she's going to say the same thing that
15 she said to you, 'cause I'm going to lead her in that direction, so. I mean there's the
16 record and –

17 MS. ALLEN: It is what it is.

18 THE COURT: Okay. All right.

19 MS. LUZAICH: I just think they should exercise a preempt for her.

20 THE COURT: Okay. I'm going to grant the challenge for cause.

21 MS. ALLEN: Thank you.

22 [Bench conference concluded]

23 THE COURT: All right. At this time, Ms. Randolph, I'm just going to ask that
24 you will step out of your seat.

25 PROSPECTIVE JUROR #033: Okay.

1 THE COURT: We appreciate your willingness – I –
2 PROSPECTIVE JUROR #033: Thank you.
3 THE COURT: -- really appreciate your willingness to be here and your
4 courtesy in answering all the questions you have answered thus far.
5 Laura Has – can you pronounce your last name?
6 PROSPECTIVE JUROR #090: Hojnacke [pronounces name].
7 THE COURT: Ho –
8 PROSPECTIVE JUROR #090: Hojnacke [pronounces name].
9 THE COURT: Hojnacke [pronounces name].
10 PROSPECTIVE JUROR #090: Yeah.
11 THE COURT: Okay. Thank you and you're going to become juror number
12 15. And I just have a few questions for you. First of all, thank you very much for
13 being here for the last two days. I sincerely appreciate your courtesy and
14 willingness to be here.
15 Can you tell me how long have you lived in Clark County?
16 PROSPECTIVE JUROR #090: Four years.
17 THE COURT: Your employment, training, education background?
18 PROSPECTIVE JUROR #090: High school and cosmetology school. And
19 I'm currently unemployed. I'm a homemaker.
20 THE COURT: Your marital status?
21 PROSPECTIVE JUROR #090: Married.
22 THE COURT: And you have children?
23 PROSPECTIVE JUROR #090: I have four and they're all minors.
24 THE COURT: Okay. And your husband is employed?
25 PROSPECTIVE JUROR #090: He is.

1 THE COURT: What –
2 PROSPECTIVE JUROR #090: He does computer programming.
3 THE COURT: Do you know of any reason why you could not be a completely
4 fair and impartial juror –
5 PROSPECTIVE JUROR #090: No.
6 THE COURT: -- if selected to serve on this panel?
7 PROSPECTIVE JUROR #090: No.
8 THE COURT: Have you ever served as a juror before?
9 PROSPECTIVE JUROR #090: No.
10 THE COURT: Have you or anyone close to you, such as a family member or
11 friend, ever been the victim of a crime?
12 PROSPECTIVE JUROR #090: Yes.
13 THE COURT: Can you tell us about that?
14 PROSPECTIVE JUROR #090: Well, we've had our cars broken into multiple
15 times and our car was –
16 THE COURT: When you say multiple, like three, four?
17 PROSPECTIVE JUROR #090: I think three.
18 THE COURT: Okay.
19 PROSPECTIVE JUROR #090: And we had one of our cars stolen and it was
20 recovered. And our home was broken into while we were sleeping.
21 THE COURT: Oh, I'm sorry. Was that here in Clark County?
22 PROSPECTIVE JUROR #090: No, those are all in Oregon.
23 THE COURT: All of those things happened in Oregon?
24 PROSPECTIVE JUROR #090: Yeah and we've been fine since we've been
25 here.

1 THE COURT: Okay. Well, good, I'm glad. But when you were in Oregon,
2 how about like the home burglary when you were at home, can you tell me about
3 that?

4 PROSPECTIVE JUROR #090: We were sleeping and someone came in and
5 stole some things. And we think that my daughter woke up and was crying and that
6 scared them off, so –

7 THE COURT: So you –

8 PROSPECTIVE JUROR #090: -- they dropped some of the stuff but they
9 took some of it with them.

10 THE COURT: So you and your husband never woke up?

11 PROSPECTIVE JUROR #090: No. Well, I woke up 'cause my daughter was
12 awake, but I didn't – we didn't wake up because of that.

13 THE COURT: Okay. And how did you know somebody had been in the
14 house?

15 PROSPECTIVE JUROR #090: There were muddy footprints coming in
16 through the backdoor and a bunch of stuff was missing.

17 THE COURT: Okay. Did you notice it that night or the next morning?

18 PROSPECTIVE JUROR #090: The next morning.

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

20 PROSPECTIVE JUROR #090: We did and they came out and they looked
21 around. And I reported my credit – like all my cards stolen, 'cause my purses were
22 gone. And my bank messed up and they cancelled the wrong card for my debit card
23 and the guy used it at several stores and so they actually caught him. They had him
24 on videotape

25 THE COURT: Oh.

1 PROSPECTIVE JUROR #090: -- at Walmart self-checkout place. And so
2 they caught it. They knew who it was. And then he was apprehended later. And so
3 he went to court and I had to go for a deposition. And I think he ended up pleading
4 guilty so we didn't have to -- it didn't go to trial.

5 THE COURT: Okay. So were you happy with the way it was handled?

6 PROSPECTIVE JUROR #090: Yeah.

7 THE COURT: Okay. And now the other matters, did you call the police on
8 those matters?

9 PROSPECTIVE JUROR #090: We did.

10 THE COURT: Were you happy with the way those matters were handled?

11 PROSPECTIVE JUROR #090: One of the times our car was broken into
12 there was a bloody fingerprint in the car and they didn't never show up and I was a
13 little bit disappointed that they didn't come, since there was like some evidence of
14 who it could have been. But I mean I'm sure they were busy and had other things
15 that were more important to do.

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

18 PROSPECTIVE JUROR #090: No.

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

21 PROSPECTIVE JUROR #090: Yes.

22 THE COURT: Can you tell me about that?

23 PROSPECTIVE JUROR #090: I was molested by a neighbor as a child.

24 THE COURT: Okay. Are you comfortable speaking amongst us all or would
25 you rather approach the bench?

1 PROSPECTIVE JUROR #090: I'd rather approach the bench.

2 THE COURT: Okay. And you can approach the bench with all four lawyers.

3 [Bench conference transcribed as follows:]

4 THE COURT: Okay. The record will reflect juror number 90 is present at the

5 bench with all four lawyers.

6 I apologize. I didn't know what you were going to say. But I just need

7 to kind of question you a little bit more about that.

8 PROSPECTIVE JUROR #090: Certainly.

9 THE COURT: Here, you want some tissue.

10 PROSPECTIVE JUROR #090: Thanks.

11 THE COURT: You let me know when you're ready.

12 PROSPECTIVE JUROR #090: I'm ready.

13 THE COURT: Okay. How old were you?

14 PROSPECTIVE JUROR #090: I don't remember, probably like eight.

15 THE COURT: So you were a little girl?

16 PROSPECTIVE JUROR #090: Yeah.

17 THE COURT: And it was a neighbor?

18 PROSPECTIVE JUROR #090: Uh-huh, she was a teenager.

19 THE COURT: A girl?

20 PROSPECTIVE JUROR #090: Uh-huh.

21 THE COURT: Okay. Did you disclose it?

22 PROSPECTIVE JUROR #090: No.

23 THE COURT: Never?

24 PROSPECTIVE JUROR #090: I've never told anyone.

25 THE COURT: This is your first disclosure today.

1 PROSPECTIVE JUROR #090: Um –

2 THE COURT: Okay. What, what made you disclose it for the first time
3 today?

4 PROSPECTIVE JUROR #090: I'm supposed to be honest.

5 THE COURT: I agree. And I guess maybe a better question is why didn't you
6 disclose it until today? I mean does your husband know?

7 PROSPECTIVE JUROR #090: [Shakes head].

8 THE COURT: No one knows?

9 PROSPECTIVE JUROR #090: No.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR #090: Well, why would I tell people, I mean?

12 THE COURT: Okay.

13 PROSPECTIVE JUROR #090: It's not something you want everyone to
14 know. And I guess I felt guilty as a kid.

15 THE COURT: Why would you feel guilty? That was just an emotion you had
16 as a child?

17 PROSPECTIVE JUROR #090: Yeah.

18 THE COURT: Okay. But you never thought you should tell your mom or
19 dad?

20 PROSPECTIVE JUROR #090: I don't know.

21 THE COURT: Okay. Is there anything about that that would – you think
22 would affect your ability to be fair and impartial in this case?

23 PROSPECTIVE JUROR #090: I don't think so.

24 THE COURT: Okay. Well, and you're the only one who can tell us.

25 PROSPECTIVE JUROR #090: No, I don't think it would.

1 THE COURT: Okay. So regardless of what your experience was as a child,
2 you don't believe that's going to interfere in your ability to be fair and impartial if
3 you're selected to be on this panel?

4 PROSPECTIVE JUROR #090: No.

5 THE COURT: Okay. Does the State have any follow-up?

6 MS. LUZAICH: Huh-uh.

7 THE COURT: Do you have any follow-up?

8 'Cause I won't allow them to ask you about it once you go back to your
9 seat, so.

10 MR. MAC ARTHUR: Right, right.

11 MS. ALLEN: Right, we understand.

12 MR. MAC ARTHUR: Would you like any follow-up to be done up here, is that
13 what you mean?

14 THE COURT: Yeah –

15 MR. MAC ARTHUR: Oh.

16 THE COURT: -- that's what I'm saying. I won't make her answer –

17 MR. MAC ARTHUR: Understand.

18 THE COURT: -- any of these questions once she goes and sits back down.
19 So if there's anything either side wants to follow-up on, I would just ask –

20 MR. MAC ARTHUR: We do it up here, sure.

21 THE COURT: -- to protect her privacy and –

22 MR. MAC ARTHUR: Makes sense. Court's indulgence.

23 MS. ALLEN: Sorry.

24 MR. MAC ARTHUR: Yeah.

25 THE COURT: Yeah. I always hate to have to ask these questions. I'm sorry.

1 PROSPECTIVE JUROR #090: That's okay.

2 MS. ALLEN: You, you're very – obviously, very emotional about it. So you
3 can understand why we would be concerned about that, really?

4 PROSPECTIVE JUROR #090: Um-huh.

5 MS. ALLEN: Yes or no. I'm sorry, we're still recording.

6 THE COURT: Yes.

7 PROSPECTIVE JUROR #090: Yes. Sorry.

8 MS. ALLEN: Okay. So fine. I mean –

9 THE COURT: Just a minute.

10 You know what ladies and gentlemen, just so you know, we are still
11 recording up here and so it's important that I just have everyone just stay quiet.
12 Thank you.

13 MS. ALLEN: Yeah. Do you think maybe a different kind of case, might be
14 better or were you concerned when you heard the charges?

15 PROSPECTIVE JUROR #090: Yeah, I mean I don't know why anybody
16 wouldn't be concerned.

17 MS. ALLEN: Right.

18 PROSPECTIVE JUROR #090: You know, I mean it's very serious.

19 MS. ALLEN: Of course. But you come from, obviously, a different
20 perspective.

21 PROSPECTIVE JUROR #090: Yeah, I guess. I don't know. I don't really –

22 THE COURT: I think what Ms. Allen is trying to get at, should the defense be
23 concerned with having you as a juror in this case? Should they have any concerns
24 about your ability to be fair and impartial?

25 PROSPECTIVE JUROR #090: No.

1 THE COURT: Okay.

2 MR. MAC ARTHUR: And I'll just ask this and part of it's repetitive, but.

3 Look it's not that any of the attorneys up here have never had that kind
4 of answer before, but no one has ever disclosed as far as I can tell for the first time
5 in court. So this is –

6 MS. LUZAICH: That's not true.

7 MR. MAC ARTHUR: Oh, sorry. I'm sorry.

8 MS. LUZAICH: I've heard it two or three times.

9 MS. ALLEN: Yeah, but you do it all the time.

10 MR. MAC ARTHUR: With the exception of Lisa. And so for you it's very
11 fresh, right. Many of the other people who disclosed may have had an opportunity
12 to sit and process and figure out how they feel and how it affects how they look.
13 And so the Judge and Betsy's question, I think, go to the issue of is there a danger
14 that as we go through this trial and you sort of become more comfortable with, you
15 know, what you said in open court and hear child alleged victims testifying and
16 you're evaluating their credibility, as to whether they're not honest or not, is there a
17 danger that due to this, you know, emotional state –

18 PROSPECTIVE JUROR #090: Uh-huh.

19 MR. MAC ARTHUR: -- that's new to you, that it might impair your ability to
20 objectively evaluate their testimony to you?

21 PROSPECTIVE JUROR #090: Possibly. I can't really – I mean I don't know
22 now, obviously; but –

23 THE COURT: Okay.

24 PROSPECTIVE JUROR #090: -- it could.

25 THE COURT: And I know, I've noticed you back there, you've been paying

1 attention; you've been listening and so you understand what our concerns are?

2 PROSPECTIVE JUROR #090: Yeah.

3 THE COURT: We can't have jurors that say today we can be fair and
4 impartial but when you go back to deliberate upon a verdict, after you've heard all
5 the evidence say, no, I can't be fair and impartial. 'Cause you can't tell me that then,
6 do you understand that?

7 PROSPECTIVE JUROR #090: Then I guess I would say no.

8 THE COURT: No what?

9 PROSPECTIVE JUROR #090: No, I can't be fair and – I can't guarantee that
10 I would be.

11 THE COURT: Okay. Who are you not going to be fair to?

12 PROSPECTIVE JUROR #090: Probably the defense.

13 THE COURT: Because of what happened to you?

14 PROSPECTIVE JUROR #090: Yeah.

15 THE COURT: Okay. So is there a danger of you kind of taking out on the
16 defense what happened to you?

17 PROSPECTIVE JUROR #090: I'd like to say no but I can't – I don't know.

18 MS. LUZAICH: Can I just ask her one question, please?

19 THE COURT: Absolutely.

20 MS. LUZAICH: And I mean no disrespect when I say this. You recognize that
21 what happened to you is something that's entirely different than what's going to go
22 on in this court?

23 PROSPECTIVE JUROR #090: Yes.

24 MS. LUZAICH: The relationship or lack of relationship, the situations are
25 entirely different?

1 PROSPECTIVE JUROR #090: Yes.

2 MS. LUZAICH: And all we're asking you to do is leave that, what happened to
3 you outside the courtroom and when you come in here listen to all the witnesses,
4 the kids, the grownups, the police, everybody objectively and make up your mind
5 about credibility and things of that nature, without thinking about what happened to
6 you. I mean can you do that?

7 PROSPECTIVE JUROR #090: Yes.

8 THE COURT: Okay. If you or someone you loved were sitting at the defense
9 table right now, would you want someone like yourself on the jury panel?

10 PROSPECTIVE JUROR #090: [No verbal response].

11 MS. ALLEN: I mean on this type of case.

12 MS. LUZAICH: And I don't mean to interrupt, but knowing everything that you
13 know about yourself.

14 THE COURT: Okay. Do you, do you understand my question?

15 PROSPECTIVE JUROR #090: Yeah.

16 THE COURT: Okay. So if, you know, your brother, your husband, cousins,
17 somebody you really care about, was sitting at the defense table, would you want
18 someone like yourself as a juror?

19 PROSPECTIVE JUROR #090: I don't really know.

20 THE COURT: Okay. Well, what kind of juror would you want for a loved one?

21 PROSPECTIVE JUROR #090: One that would be completely impartial and –

22 THE COURT: Completely fair and impartial, right?

23 PROSPECTIVE JUROR #090: Yeah.

24 THE COURT: Okay. So are you a juror that can be completely fair and
25 impartial?

1 MS. ALLEN: I think on these charges, just qualifying on these charges.
2 THE COURT: I'm sorry?
3 MS. ALLEN: I would qualify it just with the charges. Like if it was a stolen car,
4 I think it wouldn't be an issue.
5 PROSPECTIVE JUROR #090: Yeah, but –
6 THE COURT: Well, you know what the charges are, right?
7 PROSPECTIVE JUROR #090: Yeah, I do.
8 THE COURT: Oh, okay.
9 PROSPECTIVE JUROR #090: I mean like right now I say yes, but depending
10 on – maybe in the situation it would be different. Like when I'm hearing stuff, it
11 would be different; does that make sense?
12 THE COURT: Yeah. And that's what I'm concerned about. 'Cause
13 remember I said it yesterday everybody –
14 PROSPECTIVE JUROR #090: Yeah.
15 THE COURT: -- comes to the courtroom with lifetime – life experiences.
16 We'd never be able to find people that have no experiences, nor would we want
17 those kind of people as jurors. You understand that right?
18 PROSPECTIVE JUROR #090: Yeah.
19 THE COURT: What we need is people that can leave their experiences at the
20 door and judge this case solely upon what they see and hear in the courtroom. And,
21 the instructions on the law without allowing what happened to you to interfere with
22 that. Do you understand that?
23 PROSPECTIVE JUROR #090: I don't think I can do that.
24 THE COURT: Okay. You don't think you can set aside your personal
25 experience?

1 PROSPECTIVE JUROR #090: I don't think I can.

2 THE COURT: Okay. And so does that mean you don't think you can be fair
3 and impartial to these parties?

4 PROSPECTIVE JUROR #090: Yes.

5 THE COURT: Okay. And who is it you don't think you can be fair to?

6 PROSPECTIVE JUROR #090: The Defendant.

7 THE COURT: Okay. You don't think he can get a fair trial with you on a
8 panel?

9 PROSPECTIVE JUROR #090: No.

10 THE COURT: Okay. Is there any other follow-up?

11 MS. ALLEN: No, Your Honor.

12 THE COURT: Okay. I'm just going to – do you have anything at this chair
13 over here [indicating]?

14 PROSPECTIVE JUROR #090: Yeah, just my purse.

15 THE COURT: Okay. If you'll just grab your purse, you can go back and sit
16 where you were sitting.

17 Okay.

18 MS. ALLEN: Thank you.

19 THE COURT: The attorneys – okay. She was excused for cause.

20 [Bench conference concluded]

21 THE COURT: Okay. Mr. Charles Lyons, Mr. Charles Lyons.

22 Good afternoon, Mr. Lyons.

23 PROSPECTIVE JUROR #097: Good afternoon.

24 THE COURT: Can you hear me okay?

25 PROSPECTIVE JUROR #097: Yes.

1 THE COURT: All right. You want to use the microphone?
2 PROSPECTIVE JUROR #097: Yeah.
3 THE COURT: Are you sure you can hear me okay?
4 PROSPECTIVE JUROR #097: Yes, I can.
5 THE COURT: All right. If at any time you can't hear, just put those
6 earphones on.
7 PROSPECTIVE JUROR #097: I will.
8 THE COURT: 'Cause I saw you took 'em off, are they uncomfortable?
9 PROSPECTIVE JUROR #097: At times, yes.
10 THE COURT: Okay.
11 PROSPECTIVE JUROR #097: And a lot of times I didn't want to hear some
12 of the stuff. I mean it keeps going over and over and over, it's repetitious, you know,
13 so I just pull them off.
14 THE COURT: Okay. All right. It's getting late in the day –
15 PROSPECTIVE JUROR #097: Yeah.
16 THE COURT: -- but I appreciate you being here. Do you mind answering a
17 few questions for me?
18 PROSPECTIVE JUROR #097: Sure.
19 THE COURT: Okay. How long have you lived in Clark County?
20 PROSPECTIVE JUROR #097: Since '02, about 12 years.
21 THE COURT: Your education background?
22 PROSPECTIVE JUROR #097: High school.
23 THE COURT: What do you do for a living?
24 PROSPECTIVE JUROR #097: I'm retired.
25 THE COURT: Okay. How long have you been retired?

1 PROSPECTIVE JUROR #097: I've been retired since '02.

2 THE COURT: Okay. And what did you do before you retired?

3 PROSPECTIVE JUROR #097: I was a construction supervisor for the City of

4 Long Beach Water Department.

5 THE COURT: City of Long Beach?

6 PROSPECTIVE JUROR #097: California.

7 THE COURT: Okay. So you were –

8 PROSPECTIVE JUROR #097: Water Department.

9 THE COURT: Did you say fire department?

10 PROSPECTIVE JUROR #097: Water.

11 THE COURT: Water Department, I'm sorry. How long did you do that?

12 PROSPECTIVE JUROR #097: Thirty-eight years.

13 THE COURT: So it was your entire career?

14 PROSPECTIVE JUROR #097: Yes.

15 THE COURT: And then you decided to move from Long Beach to here?

16 PROSPECTIVE JUROR #097: Yeah, I was born there, I just wanted a

17 change.

18 THE COURT: Oh, good for you. And your marital status?

19 PROSPECTIVE JUROR #097: Married 50 years.

20 THE COURT: Oh, congratulations. Is your wife employed or is she retired.

21 PROSPECTIVE JUROR #097: She's retired.

22 THE COURT: Now what did she do before she retired?

23 PROSPECTIVE JUROR #097: She was a assistant teacher for special ed

24 kids.

25 THE COURT: Do you have children?

1 PROSPECTIVE JUROR #097: I have four.

2 THE COURT: Four children. Are they old enough to be employed?

3 PROSPECTIVE JUROR #097: Yes, they all are.

4 THE COURT: Can you tell us what each does for a living?

5 PROSPECTIVE JUROR #097: My oldest son is a captain for the Long Beach

6 Fire Department. My youngest son is a paramedic in South Carolina. My oldest

7 daughter is a office manager for a seafood place here in Vegas. My youngest

8 daughter is a president of her own company.

9 THE COURT: What kind of company is it?

10 PROSPECTIVE JUROR #097: Electrical.

11 THE COURT: Do you know of any reason why you could not be a completely

12 fair and impartial juror if we asked you to serve on this panel?

13 PROSPECTIVE JUROR #097: No.

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

15 PROSPECTIVE JUROR #097: Yes, I have.

16 THE COURT: How many times?

17 PROSPECTIVE JUROR #097: I believe four.

18 THE COURT: Okay. Out of those four times can you tell me whether they

19 were civil or criminal?

20 PROSPECTIVE JUROR #097: Three civil, one criminal.

21 THE COURT: Okay. So the three civil, were you ever selected to be the

22 foreperson?

23 PROSPECTIVE JUROR #097: No.

24 THE COURT: Okay. Without telling us what your verdict was, were you able

25 to reach a verdict in all three cases?

1 PROSPECTIVE JUROR #097: Yes.

2 THE COURT: All right. Now the criminal one, were you selected to be the
3 foreperson?

4 PROSPECTIVE JUROR #097: No.

5 THE COURT: Without telling us what your verdict was, were you able to
6 reach a verdict?

7 PROSPECTIVE JUROR #097: Yes.

8 THE COURT: Anything about those experiences as a juror those four times
9 that would affect your ability to be fair and impartial, if selected to serve on this
10 panel?

11 PROSPECTIVE JUROR #097: The criminal case I sat on was rape kidnap.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR #097: -- and it was pretty gruesome; I wouldn't care
14 to go through something like that again. But I feel that I could do it, but I just -- it
15 took a big toll on a person to sit and listen to detail after detail of what went on.

16 THE COURT: Okay. So wasn't -- I mean the civil case, no problem with
17 those, right?

18 PROSPECTIVE JUROR #097: No problem, right.

19 THE COURT: Criminal cases, they're harder to listen to those facts, right?

20 PROSPECTIVE JUROR #097: In those cases, yes.

21 THE COURT: All right. Especially if that's not something you do all the time.

22 PROSPECTIVE JUROR #097: Right.

23 THE COURT: Okay. And so in that criminal case you had, you kind of had a
24 problem listening to those facts?

25 PROSPECTIVE JUROR #097: Yes.


CLERK OF THE COURT

1 **RTRAN**

2
3
4 **DISTRICT COURT**
5 **CLARK COUNTY, NEVADA**
6

7
8 THE STATE OF NEVADA,) CASE #: C291374
9 Plaintiff,) DEPT. XII
10 VS.)
11 FREDERICK HARRIS, JR.)
12 Defendant.)
13

14 **BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE**
15 **WEDNESDAY, MARCH 26, 2014**

16 ***RECORDER'S TRANSCRIPT OF PROCEEDINGS***
17 **JURY TRIAL, DAY 2 - VOIR DIRE**

18 **APPEARANCES:**

19 For the State: ELISSA LUZAICH, ESQ.
20 Chief Deputy District Attorney

21 KRISTINA A. RHOADES, ESQ.
22 Deputy District Attorney

23 For the Defendant: BETSY ALLEN, ESQ.
24 JONATHAN MacARTHUR, ESQ.

25 **RECORDED BY: KRISTINE CORNELIUS, COURT RECORDER**

1 WEDNESDAY, MARCH 26, 2014; 10:38 A.M.

2
3 [Outside the presence of the prospective jury panel]

4 THE COURT: State of Nevada versus Frederick Harris, C291374. Mr. Harris
5 is present. He's in custody. All the attorneys are present. This is taking place
6 outside the presence of the jury panel.

7 I just want to give you an update on that juror. I normally would
8 wait but he's in the box.

9 MS. ALLEN: Right.

10 THE COURT: And so I feel like I have to wait. We did speak to – we were
11 able to get someone on the phone and it appears as though he's on his way. I
12 looked up his address, he lives in the Spanish Trails area, so.

13 MS. LUZAICH: At least there won't be traffic at this hour.

14 THE COURT: Right. I don't know how much longer we'll have to wait, but I
15 do have word that he's on his way, so I would like to wait. I'm assuming the parties
16 don't object to that.

17 MS. LUZAICH: Of course not.

18 MS. ALLEN: Of course not.

19 MR. MAC ARTHUR: No objection.

20 THE COURT: And then I know there's – I got this sealed envelope and I'm
21 assuming that that's what this hearing is about?

22 MS. ALLEN: Yes, Your Honor. We had – I apologize. We had submitted
23 that to your chambers last week I believe. And the agreement was that the Court
24 would review it in camera and determine if it was to be dispersed to the parties.

25 THE COURT: Who gave it to me?

1 MS. ALLEN: I did.

2 THE COURT: Oh, so you haven't looked at it?

3 MS. ALLEN: No, as a matter of fact, I –

4 THE COURT: Oh.

5 MS. ALLEN: -- and I advised Ms. Luzaich of this. So I got the Court order

6 and I sent it over to the doctor. And in the Court order it specifies it's supposed to

7 be in a sealed condition. My investigator picked it up for me and brought it back and

8 when he handed it to me, it was unsealed. And I was like, I don't want to touch it.

9 Seal it.

10 THE COURT: Okay.

11 MS. ALLEN: And I let her know right away. So, no, neither one of us have

12 looked at that and then I dropped it off.

13 THE COURT: Okay. And this Victoria Duke is?

14 MS. LUZAICH: One of the victims.

15 THE COURT: Okay.

16 MS. ALLEN: Correct.

17 THE COURT: All right. And you want me to decide whether – well, I think it

18 needs to be turned over to the parties.

19 MS. LUZAICH: Okay. Then that's what –

20 THE COURT: I mean, because there's issues that – well –

21 MS. LUZAICH: Well, if the Court finds it even potentially exculpatory, I think

22 you have to turn it over, so.

23 THE COURT: Right. Every time I –

24 MS. LUZAICH: I mean I'm not objecting.

25 THE COURT: Yeah, okay. And so what I'll do is I'll have Susan mark this as

1 Court's exhibit next in line, number 2, but we'll copy it and I'll – I mean there's – it's
2 potentially exculpatory and could be used for purposes of cross-examination, so.

3 MS. ALLEN: I appreciate that, Your Honor. Thank you.

4 MS. LUZAICH: Although I do reserve the right to challenge the use of the
5 records, I'm not objecting to them being turned over to the parties. I mean I don't
6 know what's in them, so you know maybe it's not admissible.

7 THE COURT: Right. They may not want to admit the records, but they may
8 want to use the information that's in the records. Does that make sense?

9 MS. LUZAICH: Right. But I mean I reserve the right to challenge their use of
10 the information as well. Because I have no idea what's in it, you know maybe it
11 completely admissible information, but maybe it's not admissible information as well.
12 You see it, you know what it is, I just don't.

13 THE COURT: Right. Okay. So what I'll do is I'll – this is – I'm going to go
14 make two copies.

15 MS. LUZAICH: Please.

16 MS. ALLEN: Yes, Your Honor. Well, actually –

17 THE COURT: You want four?

18 MS. ALLEN: If we could.

19 THE COURT: Okay.

20 MS. ALLEN: One for Mr. Mac Arthur as well. Thank you.

21 THE COURT: And I'll give you the original and I'll go make four copies.

22 THE COURT CLERK: Yes, Your Honor. Thank you.

23 THE COURT: And then as soon as that gentleman is here, I'm not sure how
24 he got the times mixed up, but – 'cause everybody else is here.

25 [Courtroom recessed from 10:41 a.m. to 10:57 a.m.]

1 [In the presence of the prospective jury panel]
2 THE COURT: Good morning. You can have a seat.
3 Good morning.
4 PROSPECTIVE JURY PANEL: [In unison]. Good morning.
5 THE COURT: Do the parties stipulate to the presence of the jury panel as
6 now empaneled?
7 MS. LUZAICH: Yes.
8 MS. ALLEN: Yes, Your Honor.
9 THE COURT: Okay. The State of Nevada may continue with their voir dire of
10 the panel.
11 MS. LUZAICH: Thank you. Good morning everybody, are you all just thrilled
12 to be here?
13 THE COURT: Yes.
14 MS. LUZAICH: At least you're laughing, thank you, I appreciate that.
15 I believe yesterday clearly I was going to talk about kids who are going
16 to come testify and I think I was talking to you Mr. Kordoban. Been awhile since
17 you've had young kids, right; you have grandkids though?
18 PROSPECTIVE JUROR #042: Want me to stand?
19 MS. LUZAICH: No, no, no. Please stay, relax.
20 PROSPECTIVE JUROR #042: Can I apologize?
21 MS. LUZAICH: If you want.
22 THE COURT: It's okay.
23 PROSPECTIVE JUROR #042: I'm so sorry to everybody.
24 THE COURT: It is, it's okay, but thank you. We're glad you're here.
25 MS. LUZAICH: We appreciate that. Thank you.

1 Been awhile since you have kids, but you have grandkids –
2 PROSPECTIVE JUROR #042: Yeah.
3 MS. LUZAICH: -- or since your kids were young; grandkids?
4 PROSPECTIVE JUROR #042: I have grandkids, yeah
5 MS. LUZAICH: How old are your grandkids?
6 PROSPECTIVE JUROR #042: Three and eight, or will be eight; seven.
7 MS. LUZAICH: Okay. Do you get involved in disputes amongst your
8 grandkids or do you just leave that to your kids, their parents?
9 PROSPECTIVE JUROR #042: Well, I think as a grandparent you have the
10 tendency to give them what they want and let the parents worry about it, but –
11 MS. LUZAICH: That was going to be my next question. Is that the kind of
12 grandparent you are that you can't say no to them?
13 PROSPECTIVE JUROR #042: They're girls and, you know, I think I'm fair,
14 you know, in all honesty, so.
15 MS. LUZAICH: Okay. Thank you. Since you guys didn't get to talk
16 yesterday, Ms. Barlow, how you doing?
17 PROSPECTIVE JUROR #051: I'm pretty much fine.
18 MS. LUZAICH: Good. Thank you. Oop, sorry. I'm very loud, so I never have
19 to worry about the microphone, not everybody is quite as loud as I am.
20 PROSPECTIVE JUROR #051: Okay.
21 MS. LUZAICH: You know, you heard all the questions yesterday. What do
22 you think about kids? Can you give kids a fair chance?
23 PROSPECTIVE JUROR #051: Yes.
24 MS. LUZAICH: Keep an open mind –
25 PROSPECTIVE JUROR #051: Uh-huh.

1 MS. LUZAICH: -- as to what they have to say?

2 PROSPECTIVE JUROR #051: Yes. Being a teacher, yes, I mean I deal with
3 that every day.

4 MS. LUZAICH: As a teacher, you are a mandatory reporter as well –

5 PROSPECTIVE JUROR #051: Um-huh.

6 MS. LUZAICH: -- correct?

7 PROSPECTIVE JUROR #051: Yeah.

8 MS. LUZAICH: Have you ever had the opportunity or has the situation ever
9 arisen where you have felt the need to report?

10 PROSPECTIVE JUROR #051: Yes.

11 MS. LUZAICH: What was it that you reported, physical abuse, sexual abuse?

12 PROSPECTIVE JUROR #051: Physical abuse.

13 MS. LUZAICH: And one time, more than one time?

14 PROSPECTIVE JUROR #051: One time.

15 MS. LUZAICH: How did you do that? Like what happened?

16 PROSPECTIVE JUROR #051: Do I say what I saw or –

17 MS. LUZAICH: Yeah. No names or anything –

18 PROSPECTIVE JUROR #051: No.

19 MS. LUZAICH: -- but.

20 PROSPECTIVE JUROR #051: Okay. Yeah. The child was bruised and so I
21 called.

22 MS. LUZAICH: Was it an obvious bruise?

23 PROSPECTIVE JUROR #051: Uh-huh.

24 MS. LUZAICH: It's my understanding that you can't like raise a shirt or some-
25 thing to look and see?

1 PROSPECTIVE JUROR #051: No, no, it was on the arm.
2 MS. LUZAICH: But am I correct –
3 PROSPECTIVE JUROR #051: Um-huh.
4 MS. LUZAICH: -- you can't raise the shirt?
5 PROSPECTIVE JUROR #051: Um-huh.
6 MS. LUZAICH: And, if possible, could we not talk at the same time. The
7 court recorder will punch me in the face, I think. They're recording everything we
8 say so they can do a transcript later. Everybody. Sorry. I don't mean to make you
9 uncomfortable.
10 So you reported it, who did you report it to?
11 PROSPECTIVE JUROR #051: I called CPS.
12 MS. LUZAICH: Was there an investigation?
13 PROSPECTIVE JUROR #051: I think so because the parent came to me.
14 MS. LUZAICH: Did they?
15 PROSPECTIVE JUROR #051: Uh-huh.
16 MS. LUZAICH: And what happened?
17 PROSPECTIVE JUROR #051: They questioned me. I told them.
18 MS. LUZAICH: In your face and angry?
19 PROSPECTIVE JUROR #051: Yes, yes.
20 MS. LUZAICH: And what did you say?
21 PROSPECTIVE JUROR #051: I did not admit that I did it. And I said that
22 they can go talk to the principal.
23 MS. LUZAICH: Was that an uncomfortable situation for you?
24 PROSPECTIVE JUROR #051: Yes, very uncomfortable.
25 MS. LUZAICH: When you called CPS did they then come to the school and

1 talk to you?

2 PROSPECTIVE JUROR #051: They – no, they did not talk to me. I just told
3 them what had happened on the phone.

4 MS. LUZAICH: Like call the hotline kind of thing?

5 PROSPECTIVE JUROR #051: Uh-huh, uh-huh.

6 MS. LUZAICH: So you never got subpoenaed or anything like that?

7 PROSPECTIVE JUROR #051: No.

8 MS. LUZAICH: Was that a hard decision for you to make, to call?

9 PROSPECTIVE JUROR #051: It wasn't a hard decision if you feel like the
10 child is in danger. My job is to protect children so, of course, I would call.

11 MS. LUZAICH: Have you ever talked with other teachers –

12 PROSPECTIVE JUROR #051: Um-huh.

13 MS. LUZAICH: -- about that kind of situation?

14 PROSPECTIVE JUROR #051: Um-huh.

15 MS. LUZAICH: Are there other teachers that are not quite as likely and willing
16 to call, in your experience?

17 PROSPECTIVE JUROR #051: It is your obligation to call if you feel like you
18 have to protect the child. If you feel like there's neglect or abuse, you have to call.
19 So we talked about it.

20 MS. LUZAICH: I recognize that.

21 PROSPECTIVE JUROR #051: Yeah.

22 MS. LUZAICH: But have you ever experienced a teacher that just didn't want
23 to take that extra step?

24 PROSPECTIVE JUROR #051: Not really.

25 MS. LUZAICH: Do you think that it is – well, did that child – did you ask the

1 child about it?

2 PROSPECTIVE JUROR #051: About what?

3 MS. LUZAICH: The bruises?

4 PROSPECTIVE JUROR #051: No.

5 MS. LUZAICH: Do you think that it is sometimes hard for a child to disclose
6 that?

7 PROSPECTIVE JUROR #051: Yes.

8 MS. LUZAICH: Was it a child in your class?

9 PROSPECTIVE JUROR #051: Um-huh, yes.

10 MS. LUZAICH: Somebody that you were close to?

11 PROSPECTIVE JUROR #051: Yes.

12 MS. LUZAICH: Somebody that could have come to you and said my mommy
13 or daddy are beating me?

14 PROSPECTIVE JUROR #051: Yes.

15 MS. LUZAICH: But that child didn't do that?

16 PROSPECTIVE JUROR #051: Huh-uh.

17 MS. LUZAICH: Does that surprise you?

18 PROSPECTIVE JUROR #051: Now, I – some children will come and talk to
19 you about things and some won't. For example, I have two students in my class
20 right now that their parents passed away and that's a difficult thing to talk about.
21 One tells me all the details, one has not spoken a word. So I think it's difficult for
22 some children, yes.

23 MS. LUZAICH: Okay. And you agree all kids are different?

24 PROSPECTIVE JUROR #051: Yes.

25 MS. LUZAICH: And those two, they're siblings, so they were raised in the

1 same home and they're very different, right?

2 PROSPECTIVE JUROR #051: Um-huh.

3 THE COURT: Is that a yes?

4 PROSPECTIVE JUROR #051: Yes.

5 MS. LUZAICH: So what might, in your mind, be some reasons that a child
6 would not disclose abuse?

7 PROSPECTIVE JUROR #051: They're afraid. Out of respect for an adult.
8 They might be afraid to tell you, as the authority, the teacher also; some – it
9 depends on the child.

10 MS. LUZAICH: So lots of different reasons?

11 PROSPECTIVE JUROR #051: [Nods head]. Yes.

12 MS. LUZAICH: Is that a yes. Do you think that if somebody does something
13 foolish, something that you might do yourself that they're still entitled to the same
14 protection of the law that you and I are?

15 PROSPECTIVE JUROR #051: Yes.

16 MS. LUZAICH: Do you think that if somebody commits a crime are they still
17 entitled to protection under the law for something else?

18 PROSPECTIVE JUROR #051: Yes.

19 MS. LUZAICH: Can you listen to somebody who you hear that about and still,
20 at least objectively, listen to what they have to say?

21 PROSPECTIVE JUROR #051: Yes.

22 MS. LUZAICH: So if somebody – you hear that somebody did something
23 really, really foolish, you won't automatically disbelieve them just because of that?

24 PROSPECTIVE JUROR #051: No.

25 MS. LUZAICH: And if you hear that somebody may have broken the law at

1 some point, you won't automatically disbelieve them just because of that?

2 PROSPECTIVE JUROR #051: Yes.

3 MS. LUZAICH: Take it into consideration of course, but you can still listen to
4 what they have to say?

5 PROSPECTIVE JUROR #051: Yes.

6 MS. LUZAICH: Okay. Thank you.

7 What do you think about kids, Mr. Powell, hard to disclose abuse?

8 PROSPECTIVE JUROR #052: I think it depends on the environment, how
9 they were raised.

10 MS. LUZAICH: Okay. And what about it? What about their environment and
11 how they were raised?

12 PROSPECTIVE JUROR #052: I think that determines their communication
13 skills. So how they communicate is going to depend on how they were raised.

14 MS. LUZAICH: Do you think that different kids in the same home that are
15 raised the same can communicate differently, will have different levels of skill at
16 communicating?

17 PROSPECTIVE JUROR #052: Sure.

18 MS. LUZAICH: What causes that in your mind or what could, I guess?

19 PROSPECTIVE JUROR #052: I just think – I mean I have two boys that are
20 very different. So I know that even though they were raised in the same home that
21 they're very different in what their interests are and what – you know, how their
22 approach to life is.

23 MS. LUZAICH: Okay. Do you think that or would you agree that different
24 people can perceive the same set of circumstances differently?

25 PROSPECTIVE JUROR #052: Yes.

1 MS. LUZAICH: And if they perceive it differently, would you expect them to
2 relate it later to somebody in the same way?

3 PROSPECTIVE JUROR #052: Not necessarily.

4 MS. LUZAICH: What might make them perceive it differently?

5 PROSPECTIVE JUROR #052: They might just have a different point of view
6 from where there were, their ages may be different, I mean there could be numerous
7 factors.

8 MS. LUZAICH: What are some factors other than age or location? Anything
9 else you can think of?

10 PROSPECTIVE JUROR #052: Well, how they were raised and the
11 relationship that they have with the adults around them, all that sort of thing.

12 MS. LUZAICH: Okay. Do you think that what is important to some people is
13 not important to some other people?

14 PROSPECTIVE JUROR #052: Yes.

15 MS. LUZAICH: Might that enter into it as well?

16 PROSPECTIVE JUROR #052: Sure.

17 MS. LUZAICH: Okay. What do you think about if somebody does something
18 that you would consider to be really, really foolish? Do you think that that person
19 would still be entitled to the same protection under the law that you and I would?

20 PROSPECTIVE JUROR #052: Yes.

21 MS. LUZAICH: So the fact that they do something foolish, are you going to
22 automatically disbelieve what they say after that?

23 PROSPECTIVE JUROR #052: No.

24 MS. LUZAICH: Obviously take it into consideration, but you could still
25 evaluate them objectively?

1 PROSPECTIVE JUROR #052: Yes.

2 MS. LUZAICH: What if they – well, do you have an opinion about individuals
3 who exchange sex for money?

4 PROSPECTIVE JUROR #052: An opinion?

5 MS. LUZAICH: Um-huh.

6 PROSPECTIVE JUROR #052: Well, it's illegal.

7 MS. LUZAICH: Right, right. Does everybody who commits a crime, does that
8 make the automatically a horrible person.

9 PROSPECTIVE JUROR #052: That's a very black-and-white standard so,
10 no.

11 MS. LUZAICH: Okay. So you can potentially still be an okay person even if
12 you commit a crime in general?

13 PROSPECTIVE JUROR #052: It depends what the crime is.

14 MS. LUZAICH: Okay. Exchanging sex for money. In your mind is some-
15 body who exchanges sex for money just a horrible person and you can't listen to
16 what they have to say? Or are they somebody that, well, you don't like what they do
17 but you can still listen to what they have to say?

18 PROSPECTIVE JUROR #052: It would depend upon the circumstances.

19 MS. LUZAICH: Okay. For example?

20 PROSPECTIVE JUROR #052: Well, I haven't heard anything other than what
21 you've asked me. So it would depend upon the circumstances.

22 MS. LUZAICH: The circumstances of what? Like the circumstances why they
23 would exchange sex for money –

24 PROSPECTIVE JUROR #052: Exactly.

25 MS. LUZAICH: -- or what they have to say?

1 PROSPECTIVE JUROR #052: Exactly.

2 MS. LUZAICH: Okay. If you hear that somebody has exchanged sex for
3 money at some point in their life, can they still be a victim of sexual assault in your
4 mind?

5 PROSPECTIVE JUROR #052: Yes.

6 MS. LUZAICH: So can you still listen to what that person has to say and at
7 least try and be objective about what they have to say?

8 PROSPECTIVE JUROR #052: Yes.

9 MS. LUZAICH: Okay. Thank you.

10 What about you Ms. Barlow, what do you think about that? A person
11 who exchanges sex for money, can that person in theory in your mind still be a
12 victim of sexual assault?

13 PROSPECTIVE JUROR #051: I think so.

14 MS. LUZAICH: Okay. Do you have an opinion about individuals who
15 exchange sex for money?

16 PROSPECTIVE JUROR #051: I mean I don't think that's right, but I could
17 look at it objectively.

18 MS. LUZAICH: Okay. Clearly it's not right 'cause it is illegal.

19 PROSPECTIVE JUROR #051: Yeah.

20 MS. LUZAICH: You could look at what they have to say still objectively. You
21 won't automatically say just because you did that I will, therefore, disbelieve every-
22 thing you say?

23 PROSPECTIVE JUROR #051: Yes.

24 MS. LUZAICH: Do you think that a person who does that is necessarily a bad
25 person?

1 PROSPECTIVE JUROR #051: I don't think so, depending on the
2 circumstance, why they did that.

3 MS. LUZAICH: Okay. And that's something that you would take into
4 consideration?

5 PROSPECTIVE JUROR #051: Yes.

6 MS. LUZAICH: What about you guys [indicating], Ms. Hiatt, Ms. Ence, Mr.
7 Hernandez or, sorry, Ms. Hernandez, Mr. Padernilla, do you want to comment on
8 that? Anybody? Ms. Hiatt.

9 PROSPECTIVE JUROR #053: Sure. I could be objective about that because
10 there are reasons why people do things. And it's important to know those reasons
11 before you make any kind of a judgment.

12 MS. LUZAICH: Okay.

13 PROSPECTIVE JUROR #053: Even if it is wrong.

14 MS. LUZAICH: Will the reason that somebody does it make a difference to
15 you?

16 PROSPECTIVE JUROR #053: Yes.

17 MS. LUZAICH: And if you hear a reason then what?

18 PROSPECTIVE JUROR #053: Well, then I still want to hear the whole story
19 before a decision is, you know, made.

20 MS. LUZAICH: Okay. So you will at least remain objective –

21 PROSPECTIVE JUROR #053: Yes.

22 MS. LUZAICH: -- and listen to what the individuals have to say?

23 PROSPECTIVE JUROR #053: Yes.

24 MS. LUZAICH: What about the person who does something that you would
25 never do, that you think is foolish, not a crime necessarily but really, really dumb;

1 you would never do it. Can you listen to that person objectively?

2 PROSPECTIVE JUROR #053: Yes.

3 MS. LUZAICH: Ms. Ence, yourself?

4 PROSPECTIVE JUROR #056: I feel I could listen objectively. I don't think a
5 person ever deserves to be a victim of a crime because they've done something
6 else. I don't think they've earned that, but because there were bad in one situation
7 so they deserve to be treated badly in another.

8 MS. LUZAICH: In your mind everybody in theory can be considered a victim
9 of a crime. They don't lose the ability to become a – to be considered –

10 PROSPECTIVE JUROR #056: Right.

11 MS. LUZAICH: -- a victim just because of bad things that they have done?

12 PROSPECTIVE JUROR #056: Correct.

13 MS. LUZAICH: Can you listen to what individuals like this, you know, people
14 who do foolish things; people who make really poor choices. People who may
15 commit a crime, can you at least listen to what they have to say without auto-
16 matically discounting what they have to say because of what you've heard?

17 PROSPECTIVE JUROR #056: Yes.

18 MS. LUZAICH: Thank you.

19 Ms. Hernandez what about yourself?

20 PROSPECTIVE JUROR #067: I can listen to them but I wouldn't trust them.

21 MS. LUZAICH: When you said you wouldn't trust them, would you auto-
22 matically disbelieve – well, who is them? I mean somebody who's foolish? Some-
23 body commits a crime? All; all of the above?

24 PROSPECTIVE JUROR #067: Yeah.

25 MS. LUZAICH: All of the above.

1 PROSPECTIVE JUROR #067: Correct.

2 MS. LUZAICH: Okay. When you say you couldn't or wouldn't trust them,
3 does that mean that you would automatically disbelieve anything they tell you?

4 PROSPECTIVE JUROR #067: No, but I would pay attention to what they're
5 telling me and base it on facts, other facts. I wouldn't just, you know, listen to their
6 story. I would –

7 MS. LUZAICH: You wouldn't blindly believe them?

8 PROSPECTIVE JUROR #067: Yeah, of course.

9 MS. LUZAICH: But you wouldn't do that with anybody, would you? I mean
10 wouldn't you want to hear what everybody has to say before making –

11 PROSPECTIVE JUROR #067: True.

12 MS. LUZAICH: -- up your mind?

13 PROSPECTIVE JUROR #067: True.

14 MS. LUZAICH: You had mentioned that you were going to school but you're
15 not enrolled this semester?

16 PROSPECTIVE JUROR #067: Uh-huh.

17 MS. LUZAICH: How come?

18 PROSPECTIVE JUROR #067: Just financial reasons.

19 MS. LUZAICH: School is expensive?

20 PROSPECTIVE JUROR #067: Um-huh.

21 MS. LUZAICH: Are you going to go back next semester?

22 PROSPECTIVE JUROR #067: Yes.

23 MS. LUZAICH: Do you have much experience with kids?

24 PROSPECTIVE JUROR #067: No.

25 MS. LUZAICH: So kids are going to come in here and testify. And when I say

1 kids, you know, under 18, not five or six.

2 PROSPECTIVE JUROR #067: Uh-huh.

3 MS. LUZAICH: Can you listen to what kids have to say and be objective?

4 PROSPECTIVE JUROR #067: Yes, just like an adult.

5 MS. LUZAICH: Okay. So you won't automatically believe an adult over a
6 child –

7 PROSPECTIVE JUROR #067: No.

8 MS. LUZAICH: -- simply because they're adults?

9 PROSPECTIVE JUROR #067: It would be equal.

10 MS. LUZAICH: Do you think that it's harder for a child to disclose abuse than
11 for an adult?

12 PROSPECTIVE JUROR #067: I think it's harder for them to explain because
13 they don't understand it themselves. And I, you know – fear, it depends on the age
14 and maturity level. The way they were brought up, but I mean a situation like that I
15 don't think anyone can find a way to explain it, you know. It's different for everyone.

16 MS. LUZAICH: Do you think it's hard for an adult to disclose abuse?

17 PROSPECTIVE JUROR #067: I don't really know.

18 MS. LUZAICH: Do you know anybody that's been abused?

19 PROSPECTIVE JUROR #067: No.

20 MS. LUZAICH: Do you think that it would be embarrassing to come into a
21 room full of strangers and have to describe intimate sexual details?

22 PROSPECTIVE JUROR #067: Yes.

23 MS. LUZAICH: No matter how old you are do you think that's embarrassing?

24 PROSPECTIVE JUROR #067: Yes.

25 MS. LUZAICH: And is that something that you would take into consideration

1 when you are evaluating the testimony that you are going to hear?

2 PROSPECTIVE JUROR #067: Yes.

3 MS. LUZAICH: Do you think that if somebody either acted or reacted to that
4 kind of situation in a way that you would not have, are you going to automatically
5 disbelieve what that person has to say?

6 PROSPECTIVE JUROR #067: No.

7 MS. LUZAICH: Is there anything in particular that you're expecting to see in
8 this trial?

9 PROSPECTIVE JUROR #067: I don't – I'm not expecting anything. I'm just –
10 you know, I just got to listen to the story, the facts and see if it, you know, if – and
11 the evidence, and I don't – I'm not really expecting anything, sorry, on the subject.

12 MS. LUZAICH: Okay. Well, you say the evidence. What is evidence to you?
13 Is evidence something that you have to be able to touch?

14 PROSPECTIVE JUROR #067: Facts. Yeah, something that's proven.
15 Something that's – you know, that you have paperwork of or someone saw and
16 someone – something that's proven to me. Some –

17 MS. LUZAICH: Okay. In your mind can evidence be testimony, witness
18 testimony?

19 PROSPECTIVE JUROR #067: Yes. But, you know, sometimes people don't
20 remember correctly.

21 MS. LUZAICH: Okay.

22 PROSPECTIVE JUROR #067: So a lot of times it might not be the correct – I
23 just wouldn't go by testimony a hundred percent. I would rather have evidence. Not
24 just solely on the testimony.

25 MS. LUZAICH: What is there is no evidence that you can hold in your hand?

1 Will I not be able to convince you, if –

2 PROSPECTIVE JUROR #067: I mean if it's – if the timeline is correct and
3 other, you know, facts or I don't know come into place and they – I don't really know.
4 Honestly, I haven't thought about it.

5 MS. LUZAICH: And, you know, we definitely put you at a disadvantage by
6 asking you general questions without giving you any facts. So I'm sorry about that.

7 PROSPECTIVE JUROR #067: Yeah, 'cause I don't really know, you know,
8 the story or the – any background or information, so it's kind of hard to answer
9 anything right now.

10 MS. LUZAICH: Okay. You had commented that sometimes people don't
11 remember things correctly. What might make somebody or cause somebody to not
12 remember something correctly in your mind?

13 PROSPECTIVE JUROR #067: Well, you were talking about the accident and
14 how you were paying attention to, you know, something different from the other
15 person. So I think that we all have different interest in maybe some things. We
16 didn't pay attention because we weren't interested in looking at that, so you might
17 miss out on very important –

18 MS. LUZAICH: Details.

19 PROSPECTIVE JUROR #067: -- facts, details.

20 MS. LUZAICH: And is that something that you would take into consideration
21 when evaluating witnesses?

22 PROSPECTIVE JUROR #067: Yes.

23 MS. LUZAICH: Okay. Thank you.

24 PROSPECTIVE JUROR #067: Uh-huh.

25 MS. LUZAICH: Mr. Padernilla. Did I get that right?

1 PROSPECTIVE JUROR #074: Yes.

2 MS. LUZAICH: You – what do you think about that? What to you is
3 evidence? Is evidence something that you have to hold in your hand? Is it
4 testimony? What is evidence to you?

5 PROSPECTIVE JUROR #074: Well, I think it's a factor, something that I can
6 see that will give me a reason not to doubt that that is something that is relevant to
7 whatever is the point that is being taken care of.

8 MS. LUZAICH: Okay. When you say something that you can see.
9 Witnesses are going to come in, they're going to sit there and they're going to
10 testify. You'll be able to see them, so is – can witness testimony be enough for you?

11 PROSPECTIVE JUROR #074: It can, yes.

12 MS. LUZAICH: Okay. So you don't have to hold something in your hand –

13 PROSPECTIVE JUROR #074: Oh, no.

14 MS. LUZAICH: -- to be able to be convinced?

15 PROSPECTIVE JUROR #074: No.

16 MS. LUZAICH: And I'm not saying you won't get to hold something in your
17 hand, but if not are you going to require that?

18 PROSPECTIVE JUROR #074: No.

19 MS. LUZAICH: As a charge nurse – well, how long have you been a charge
20 nurse? You've been an RN for a long time.

21 PROSPECTIVE JUROR #074: Uh-huh.

22 MS. LUZAICH: How long you been a charge nurse?

23 PROSPECTIVE JUROR #074: In this particular job, since – well, seven
24 years.

25 MS. LUZAICH: What did you do before that?

1 PROSPECTIVE JUROR #074: I work in a hospital as a floor nurse.
2 MS. LUZAICH: On a floor nurse, so treating patients on the floor?
3 PROSPECTIVE JUROR #074: Uh-huh.
4 MS. LUZAICH: Did you ever have occasion to be a nurse in the ER, in the
5 emergency room?
6 PROSPECTIVE JUROR #074: Yeah, I also experience that way back before.
7 MS. LUZAICH: Have you ever had the occasion to participate in or observe a
8 sexual assault exam?
9 PROSPECTIVE JUROR #074: Oh, no.
10 MS. LUZAICH: So if the doctor comes in here and talks to you about sexual
11 assault exam, you're not going to second-guess what the doctor has to say are you?
12 PROSPECTIVE JUROR #074: No.
13 MS. LUZAICH: Okay. What do you think about kids? Are all kids different?
14 PROSPECTIVE JUROR #074: Yes.
15 MS. LUZAICH: Just like all people are different?
16 PROSPECTIVE JUROR #074: Yes.
17 MS. LUZAICH: Can you be objective when evaluating the testimony of kids?
18 PROSPECTIVE JUROR #074: Yes.
19 MS. LUZAICH: Do you think that it is hard for kids to disclose abuse?
20 PROSPECTIVE JUROR #074: Usually, I think a kid usually tells the truth
21 about things that they want to tell. So I don't think so.
22 MS. LUZAICH: Can you think of reasons why a child might not disclose
23 abuse?
24 PROSPECTIVE JUROR #074: Well, for fear of unknown, something that
25 might happen once they tell the truth or whatever they have to tell.

1 MS. LUZAICH: Okay. Do you think that – well, do you think that you can
2 evaluate the testimony of somebody who is going to tell you that they've done some-
3 thing really foolish, something that you would never have done, can you evaluate
4 that person's testimony objectively?

5 PROSPECTIVE JUROR #074: Yes.

6 MS. LUZAICH: What about somebody who is going to tell you that they have
7 committed a crime. Can you listen to what that person has to say and still try and be
8 objective?

9 PROSPECTIVE JUROR #074: Sure.

10 MS. LUZAICH: Now, obviously, you're going to take into consideration the
11 crime and things of that nature, but can you – you won't automatically disbelieve
12 what they have to say –

13 PROSPECTIVE JUROR #074: No.

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

15 PROSPECTIVE JUROR #074: No, no.

16 MS. LUZAICH: How do you feel about individuals who exchange sex for
17 money?

18 PROSPECTIVE JUROR #074: They have their own reasons and I don't take
19 it from them that they're bad or something like that.

20 MS. LUZAICH: Okay. So you can still listen to what that person –

21 PROSPECTIVE JUROR #074: Oh, yeah.

22 MS. LUZAICH: -- has to say and, potentially, believe what they have to say –

23 PROSPECTIVE JUROR #074: Yes.

24 MS. LUZAICH: -- potentially?

25 PROSPECTIVE JUROR #074: Yes.

1 MS. LUZAICH: Okay. Thank you.

2 I haven't asked anybody over here [indicating] that very interesting
3 question. Mr. Bell, what do you think, if somebody exchanges sex for money at
4 some point in their life, can they still be a victim of sexual assault?

5 PROSPECTIVE JUROR #046: Yes.

6 THE MARSHAL: [Providing microphone.]

7 MS. LUZAICH: Thank you.

8 If you hear that from an individual, can you still listen to what that
9 individual has to say and be objective about what that person has to say?

10 PROSPECTIVE JUROR #046: Yes.

11 MS. LUZAICH: So, for example, you won't automatically disbelieve every-
12 thing they say simply because of that?

13 PROSPECTIVE JUROR #046: No.

14 MS. LUZAICH: What about somebody who makes really, really poor
15 decisions; decisions that you would never make, your sister or your wife would
16 never make. Can you still be objective about that person?

17 PROSPECTIVE JUROR #046: Yes.

18 MS. LUZAICH: Do you think that an individual who exchanges sex for money
19 could have a reason for doing that?

20 PROSPECTIVE JUROR #046: Yes.

21 MS. LUZAICH: Not out of the realm of possibility in your mind?

22 PROSPECTIVE JUROR #046: No.

23 MS. LUZAICH: Thank you.

24 Mr. Nober – Naber.

25 PROSPECTIVE JUROR #045: Nabor [pronounces name].

1 MS. LUZAICH: Nabor, sorry.

2 PROSPECTIVE JUROR #045: That's okay.

3 MS. LUZAICH: Like – Torres, Mr. Torres.

4 PROSPECTIVE JUROR #045: Yes.

5 MS. LUZAICH: Like I said, my handwriting is terrible. What do you think

6 about that, can you objectively listen to an individual who is going to tell you that at

7 some point in their life, they exchanged sex for money?

8 PROSPECTIVE JUROR #045: Yes.

9 MS. LUZAICH: In your mind can that person still be the victim of a sexual

10 assault?

11 PROSPECTIVE JUROR #045: Absolutely.

12 MS. LUZAICH: What about the individual who makes extremely poor

13 choices?

14 PROSPECTIVE JUROR #045: Meaning?

15 MS. LUZAICH: Can you listen to –

16 PROSPECTIVE JUROR #045: Oh.

17 MS. LUZAICH: -- and be objective –

18 PROSPECTIVE JUROR #045: Yes.

19 MS. LUZAICH: -- to what that person has to say?

20 PROSPECTIVE JUROR #045: Yes.

21 MS. LUZAICH: Is there anybody over here [indicating] that can't listen

22 objectively to an individual who is going to tell you that they had exchanged sex for

23 money at some point? A couple of people are not – shaking their heads no. Mr.

24 Capeno, did I get that right; Capitano?

25 PROSPECTIVE JUROR #047: Yeah.

1 MS. LUZAICH: You – the other people shook their heads no, you kind of –

2 PROSPECTIVE JUROR #047: No, no.

3 MS. LUZAICH: What do you think about individuals who exchange sex for
4 money?

5 PROSPECTIVE JUROR #047: I have no problem with it, whatever, I mean.
6 It's illegal but if they need to do it and have reasons, I'm sure they have their
7 reasons.

8 MS. LUZAICH: Okay. You can still be objective and listen to what that
9 person has to say?

10 PROSPECTIVE JUROR #047: Yeah, definitely.

11 MS. LUZAICH: Thank you.

12 Ms. Spaur, you're an attorney, I doubt you've ever dealt with somebody
13 who has exchanged sex for money along those lines. You just do civil, right?

14 PROSPECTIVE JUROR #049: Right.

15 MS. LUZAICH: What do you think being a civil attorney would do or would it
16 help you or hurt you being a juror?

17 PROSPECTIVE JUROR #049: I mean I think the only thing about being an
18 attorney would help me as juror is that I understand that, you know, I want jurors to
19 be objective about the testimony that's presented. I want them to keep an open
20 mind throughout the entirety of the case until both sides have been presented and,
21 you know, both sides have rested their cases.

22 So, you know, I would hope that I could be the kind of juror that I would
23 want on a jury if I was trying the case, just because I know what the responsibilities
24 are for both sides and I know what is at stake.

25 MS. LUZAICH: Are you a litigator?

1 PROSPECTIVE JUROR #049: Yes.

2 MS. LUZAICH: Have you tried cases to a jury?

3 PROSPECTIVE JUROR #049: Once. We settle mostly. But I have tried
4 once, one case in California.

5 MS. LUZAICH: Okay. Oh, in California?

6 PROSPECTIVE JUROR #049: Yes.

7 MS. LUZAICH: Okay. Well, clearly, you know the burden of proof is different
8 in civil law –

9 PROSPECTIVE JUROR #049: right.

10 MS. LUZAICH: -- than here. The law is different in California than here.

11 PROSPECTIVE JUROR #049: Yes. And that was a product liability case so
12 it was far, far and wide from a criminal case, so.

13 MS. LUZAICH: Do you remember anything from law school, criminal law?

14 PROSPECTIVE JUROR #049: Vaguely. You know, I – law school was
15 awhile ago, but I got licensed in Nevada more recently and I had to take the bar
16 here too, so.

17 MS. LUZAICH: Whatever it is you know about criminal law will you forget it
18 and only follow the law that the Court reads to you?

19 PROSPECTIVE JUROR #049: Absolutely. That's the other thing as a lawyer
20 I know that the only law I'm supposed to bring to deliberations is the law that's
21 presented to me by the Court and I don't – honestly, I don't think I remember
22 enough to add my own, but I wouldn't anyway 'cause it's just what's presented as
23 the law we're supposed to be following here.

24 MS. LUZAICH: Okay. Thank you.

25 Ms. Fried, you had said – and, I'm sorry, this is the part where I upset

1 people. You had mentioned yesterday that your mom had been molested.

2 PROSPECTIVE JUROR #050: Um-huh.

3 MS. LUZAICH: You said she told her parents and the parents did nothing.
4 They slipped it under the rug.

5 PROSPECTIVE JUROR #050: Yeah.

6 MS. LUZAICH: How – how did that – like when she was describing it to you
7 did that – did it seem like she was angry about that?

8 PROSPECTIVE JUROR #050: Very. She holds – she still holds a lot of
9 resentment to this day against her parents.

10 MS. LUZAICH: Were you surprised that happened?

11 PROSPECTIVE JUROR #050: Yeah.

12 MS. LUZAICH: That they didn't do anything about it.

13 PROSPECTIVE JUROR #050: Um – oh, that they didn't do anything? Not
14 really. I know my grandparents and they, you know.

15 MS. LUZAICH: Did she indicate was it a one-time thing or more than once?

16 PROSPECTIVE JUROR #050: It was multiple times, yeah.

17 MS. LUZAICH: Did she tell immediately or was it later that she told?

18 PROSPECTIVE JUROR #050: Later on, after she was talking to her cousin
19 who it also happened to.

20 MS. LUZAICH: Do you know how she found out that it had happened to her
21 cousin?

22 PROSPECTIVE JUROR #050: That I do not recall. I take the bits of informa-
23 tion that she has given me, I do not pry into the situation, because – can I have
24 permission to approach the bench, please?

25 THE COURT: You may.

1 MS. LUZAICH: Oh, of course.

2 THE COURT: You may.

3 [Bench conference transcribed as follows:]

4 PROSPECTIVE JUROR #050: I just –

5 THE COURT: Okay. Just a minute.

6 PROSPECTIVE JUROR #050: Okay.

7 THE COURT: Good morning, Ms. Fried is present, badge number –

8 PROSPECTIVE JUROR #050: 50.

9 THE COURT: All four lawyers are present. Go ahead.

10 PROSPECTIVE JUROR #050: My mother tried to kill herself when I was 16

11 years old.

12 THE COURT: When you?

13 PROSPECTIVE JUROR #050: When I was 16 –

14 THE COURT: I'm sorry.

15 PROSPECTIVE JUROR #050: -- because of the psychological.

16 THE COURT: Oh, I'm sorry.

17 PROSPECTIVE JUROR #050: And I didn't know this until, I mean I – about I

18 was 23 when I finally found out everything. And she was used to tell us that she

19 was going bowling, when I was younger, but she was really going to therapy. And

20 it's not something I want to discuss in front of, you know –

21 MS. LUZAICH: Of course.

22 THE COURT: Sure, sure.

23 PROSPECTIVE JUROR #050: -- people, so. Just – it's hard.

24 MS. LUZAICH: Okay. Thank you very much.

25 THE COURT: Okay. So that was kind of why you don't talk about it a lot with

1 your mom?

2 PROSPECTIVE JUROR #050: Yeah.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR #050: I mean it's not something she brings up. She,
5 you know, a very private person and I – my brother didn't even know about it, so.

6 MS. LUZAICH: Until?

7 PROSPECTIVE JUROR #050: Maybe six months ago, I think. And my
8 brother is older than me, so.

9 THE COURT: Okay. Are there any other questions?

10 MS. LUZAICH: I won't ask any more questions about that.

11 THE COURT: Do you have any questions of this particular –

12 MS. ALLEN: I don't.

13 THE COURT: Okay. Thank you very much.

14 [Bench conference concluded]

15 MS. LUZAICH: And, Mr. Bell, you had mentioned that your best friend and his
16 sister had been abused by their parents. How old were you when you found out that
17 that was going on?

18 PROSPECTIVE JUROR #046: Twelve, 13, 14, somewhere around there.

19 MS. LUZAICH: Had it been going on for awhile before you knew –

20 PROSPECTIVE JUROR #046: I don't –

21 MS. LUZAICH: -- or did your friend tell you right away?

22 PROSPECTIVE JUROR #046: I'm not sure. He didn't necessarily tell me. I
23 saw physical abuse, actually the mother to the father multiple times while we were
24 there. And then his father committed suicide and I witnessed a lot of disturbing
25 incidents with his mother when she was finally committed. Then we took him into

1 our family.

2 MS. LUZAICH: So a lot of things were going on and even your best friend
3 didn't tell you about it?

4 PROSPECTIVE JUROR #046: Yeah.

5 MS. LUZAICH: And then you had mentioned that your brother and his ex-
6 wife, their children were removed. Did you personal – was it CPS that removed
7 them?

8 PROSPECTIVE JUROR #046: Yeah, I believe so.

9 MS. LUZAICH: Did you have any contact with CPS arising out of that
10 incident?

11 PROSPECTIVE JUROR #046: I don't remember. I might have had to write
12 some statements where I think my mom was little bit more forthcoming in a lot of
13 that stuff because she immediately tried to take charge of the kids before they went
14 into the system.

15 MS. LUZAICH: And was that here in Clark County?

16 PROSPECTIVE JUROR #046: Yes.

17 MS. LUZAICH: Do you know – did your mom have an okay experience with
18 CPS?

19 PROSPECTIVE JUROR #046: I believe so. I believe so. She took them on
20 for quite awhile. She still has one and then – and the other one was reverted back
21 to the mother.

22 MS. LUZAICH: Okay. Thank you very much.

23 PROSPECTIVE JUROR #046: Um-huh.

24 MS. LUZAICH: Ms. Stammetti, I'm sorry, you had mentioned that your mom
25 had an issue with her brother. Was that ever reported?

1 PROSPECTIVE JUROR #020: Oh, I'm sure not. I mean reported, she told –
2 MS. LUZAICH: To police or any –
3 PROSPECTIVE JUROR #020: She told her dad and I know she told my dad.
4 MS. LUZAICH: And did anything get done about it?
5 PROSPECTIVE JUROR #020: No, he told – I guess he just told my uncle to
6 leave his sister alone and go somewhere else.
7 MS. LUZAICH: Okay. Do you have any kind of relationship with your uncle?
8 PROSPECTIVE JUROR #020: Oh, no, I only met him once.
9 MS. LUZAICH: So he's just out of the family essentially or away from –
10 PROSPECTIVE JUROR #020: Well and he passed away in the '70s –
11 MS. LUZAICH: Oh, oh.
12 PROSPECTIVE JUROR #020: -- like I only met him one time.
13 MS. LUZAICH: Oh, okay. You had mentioned that your best friend and her
14 sister also had been molested. Did she tell you? How did you find out?
15 PROSPECTIVE JUROR #020: She told me.
16 MS. LUZAICH: Was it something that happened one time or was ongoing?
17 PROSPECTIVE JUROR #020: Ongoing.
18 MS. LUZAICH: Did she tell you like the first time it happened or later or years
19 later?
20 PROSPECTIVE JUROR #020: No, it was years later. I didn't know her at the
21 time.
22 MS. LUZAICH: Oh, okay. So your friend now –
23 PROSPECTIVE JUROR #020: Yes.
24 MS. LUZAICH: -- when she was young had been.
25 PROSPECTIVE JUROR #020: Yes.

1 MS. LUZAICH: Do you know, did she tell anybody? Did it get reported?
2 PROSPECTIVE JUROR #020: She told a counselor, yeah.
3 MS. LUZAICH: Counselor at school?
4 PROSPECTIVE JUROR #020: Um-huh, yes.
5 MS. LUZAICH: Did it get reported? Did the police get involved?
6 PROSPECTIVE JUROR #020: I don't know.
7 MS. LUZAICH: So you don't know if there was an investigation –
8 PROSPECTIVE JUROR #020: I don't know.
9 MS. LUZAICH: -- or anything like that? Thank you.
10 Ms. Lewis, you okay?
11 PROSPECTIVE JUROR #037: Yes.
12 MS. LUZAICH: You talked about some domestic violence in the home?
13 PROSPECTIVE JUROR #037: Um-huh.
14 MS. LUZAICH: You said that your mom and your dad both had an interesting
15 relationship. Did that get reported?
16 PROSPECTIVE JUROR #037: Yeah. It was my mom that would just – she
17 wasn't like a serial abuser or anything like that, it was just when she would freak out
18 randomly and not every time it wouldn't be reported. They would settle it on their
19 own or my dad didn't know about a lot of it until I was a lot older and I told him.
20 When she would hit him, he would just leave the house to stop it. When she would
21 hit me, I would run away for the day or tell – once I finally started telling people then,
22 yeah, or if the neighbors heard us. I mean it could get –
23 MS. LUZAICH: They would call the police.
24 PROSPECTIVE JUROR #037: -- very loud; so, yeah.
25 MS. LUZAICH: You said that there was an arrest or two at some point?

1 PROSPECTIVE JUROR #037: Um-huh, yes.

2 MS. LUZAICH: Did she go to court?

3 PROSPECTIVE JUROR #037: No. We grew up in a very small town –

4 MS. LUZAICH: Small town.

5 PROSPECTIVE JUROR #037: -- so it was just pushed down. My dad never
6 pressed charges. It would – she would get arrested, she would come home.

7 MS. LUZAICH: You had something about separated for a few months.

8 PROSPECTIVE JUROR #037: Well, yeah. So she would always – if she
9 didn't get her way or if he didn't apologize that she flipped out for whatever reason
10 that made her mad, she would leave the house for a couple of months and go live
11 with boyfriends or my uncles or whoever she wanted to go live with. And then once
12 things got tough for her, she would come back to my dad and he'd take her in and
13 the cycle would start all over.

14 MS. LUZAICH: Cycle. Okay. That's what I was going to ask you, so you're
15 familiar with the cycle.

16 PROSPECTIVE JUROR #037: It's definitely a cycle; definitely.

17 MS. LUZAICH: Okay.

18 PROSPECTIVE JUROR #037: Definitely.

19 MS. LUZAICH: You had also mentioned that when you were 17 a little bit of
20 assault, trespass. But you said that the police officer thought you had a good
21 reason for doing it? I'm – what was the reason?

22 PROSPECTIVE JUROR #037: Okay. I had, even though I was only 17, I had
23 had a boyfriend for five years steady. And he cheated on me with another girl. The
24 girl was married. She was following me around town, again lived in a very small
25 town. Every time I would stop or go to the store, she would follow me wherever I

1 went. I had a really fast car, so I'd turn it around, then start following her. She'd run
2 to her husband. So by the third time I just got out of the car and I told her husband,
3 tell her to leave me alone, keep her at home; get her away from me. I'm telling you
4 I'm losing it, you know, I'm getting angry.

5 Well, he didn't keep her at home, she followed me a fifth time or fourth
6 time and I got out – she parked on his property. I stepped foot on his property, I
7 assaulted her. And the only reason I assaulted her, I wasn't going to do anything,
8 but she turned to me and said I just F'd your boyfriend.

9 MS. LUZAICH: Oh.

10 PROSPECTIVE JUROR #037: And I went okay and nailed her in the face a
11 few times. And then when the cop arrested me, he asked me why did you do it and
12 I saw that he was wearing a wedding band and I asked him, what would he do if a
13 man just walked up and said that to him? And he goes, all right. She was also very
14 well-known in the town, had been to court several times over starting the same kind
15 of fights. So –

16 MS. LUZAICH: She was busy.

17 PROSPECTIVE JUROR #037: She was – yeah. But the judge knew her and,
18 actually, when we entered the courtroom, he thought she was the defendant, as
19 usual. And when he saw that she was the plaintiff he had said, oh, if you were the
20 defendant again, you would have been gone. So everybody, everybody knew her.
21 And everybody knew me as being a good kid for the most part. So I did get
22 sentenced. I did get a fine. I did get community service. But, again, the officer was
23 very – a very good person and he got my record expunged and I didn't have to do
24 any of that or serve anything, so.

25 MS. LUZAICH: Okay. So you had a lot of excitement in your young life?

1 PROSPECTIVE JUROR #037: Yes, I did.

2 MS. LUZAICH: What do you think about individuals who exchange sex for
3 money?

4 PROSPECTIVE JUROR #037: I think everybody has a reason for doing
5 something. Unfortunately, sometimes they are pressured or pushed or have lost all
6 hope and that might be their only means to survive.

7 MS. LUZAICH: So assuming you hear something like that from somebody
8 can you still listen to what that person has to say objectively?

9 PROSPECTIVE JUROR #037: Yes, I can.

10 MS. LUZAICH: You wouldn't automatically disbelieve what they say, simply
11 because they had at some point in their time exchanged sex for money?

12 PROSPECTIVE JUROR #037: No, I won't.

13 MS. LUZAICH: Can that person still in your mind be the victim of a sexual
14 assault?

15 PROSPECTIVE JUROR #037: Definitely.

16 MS. LUZAICH: What about individuals who make really, really poor choices?

17 PROSPECTIVE JUROR #037: Well, they're stupid but they're human.

18 MS. LUZAICH: Are they still entitled to the same protection of the law as you
19 have?

20 PROSPECTIVE JUROR #037: Yes, they are.

21 MS. LUZAICH: Thank you.

22 Ms. Randolph, what do you think about that?

23 PROSPECTIVE JUROR #033: I agree too. They still deserve the same
24 protection of the law. I see a lot of people where I work at that come from all types
25 of backgrounds and just because I might not agree with their lifestyle doesn't mean I

1 would disbelieve them if they reported something to me or said something to me.

2 MS. LUZAICH: Okay. Thank you.

3 Mr. Greenwood, what about you?

4 PROSPECTIVE JUROR #030: Pretty much in the same boat. If someone
5 wants to exchange sex for money that's – you can't judge them on, you know, just
6 on that, you know. Different people come from different places and circumstances
7 or different for different – you don't know how that person was brought up and why
8 they're doing that. But you can still believe them if it's something else.

9 MS. LUZAICH: Okay. So you can still at least listen to what they have to say
10 objectively?

11 PROSPECTIVE JUROR #030: Yes.

12 MS. LUZAICH: You would take it into consideration, of course, but you
13 wouldn't automatically disbelieve what they have to say?

14 PROSPECTIVE JUROR #030: Oh, no, just – they can – anybody can tell a
15 lie, I mean or tell the truth. They just – that doesn't characterize the type person
16 they are.

17 MS. LUZAICH: Okay. Thank you. You had mentioned you were in the
18 Navy?

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

20 MS. LUZAICH: What did you do in the Navy?

21 PROSPECTIVE JUROR #030: Was a machinist mate second class. I
22 worked in the engine room on one ship and on another ship forklift and elevator
23 mechanic.

24 MS. LUZAICH: For how long were you in the service?

25 PROSPECTIVE JUROR #030: Ten years.

1 MS. LUZAICH: Did you ever have occasion to sit on or participate in any way
2 in a Court Martial and Article 15, is that what it is?

3 PROSPECTIVE JUROR #030: No.

4 MS. LUZAICH: I always get the number wrong.

5 PROSPECTIVE JUROR #030: No.

6 MS. LUZAICH: Nothing like that?

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

8 MS. LUZAICH: So nothing investigative or anything like that?

9 PROSPECTIVE JUROR #030: No, I wasn't part of that. I did work at the brig
10 in my second –

11 MS. LUZAICH: What did you do there?

12 PROSPECTIVE JUROR #030: I was a guard.

13 MS. LUZAICH: As a pseudo prison guard –

14 PROSPECTIVE JUROR #030: Correct.

15 MS. LUZAICH: -- what did you do on a daily basis?

16 PROSPECTIVE JUROR #030: I was part of receiving and release, which was
17 – they would bring the individuals, the military individuals off the street and I was the
18 guy who checked them in and did strip search on them and give them the urinalysis
19 and then sent them up to block.

20 MS. LUZAICH: For how long did you do that?

21 PROSPECTIVE JUROR #030: Four years.

22 MS. LUZAICH: Okay. Thank you.

23 Mr. Allen, what do you think about individuals who exchange sex for
24 money?

25 PROSPECTIVE JUROR #028: I believe it depends on their circumstances.

1 I'm open-minded. They probably had their reasons for doing that.

2 MS. LUZAICH: I mean, clearly, it's wrong; it's illegal.

3 PROSPECTIVE JUROR #028: Right.

4 MS. LUZAICH: But can you still listen to what the person who tells you that
5 has to say and at least be objective about what they have to say?

6 PROSPECTIVE JUROR #028: Yes, I think so.

7 MS. LUZAICH: Can an individual who tells you that at some point in their life
8 they exchanged sex for money, can that person still be the victim of a sexual
9 assault –

10 PROSPECTIVE JUROR #028: Oh, definitely.

11 MS. LUZAICH: -- in your mind?

12 PROSPECTIVE JUROR #028: Yes.

13 MS. LUZAICH: Is there anybody over here [indicating] who does not believe
14 that somebody who has at some point in their life exchanged sex for money can
15 later be a victim of sexual assault? Anybody not believe that that's possible?
16 Anybody; anybody?

17 Is there anybody who thinks that just because somebody does some-
18 thing incredibly foolish that they are not entitled to the same protection under the law
19 that you and I are? A lot of people are shaking their heads no.

20 As – who here watches CSI? Oh, come on, lots of people; everybody
21 watches CSI, don't they? So would it surprise you if I tell you CSI is fake? There is
22 nothing real about CSI.

23 PROSPECTIVE JUROR #028: no.

24 MS. LUZAICH: A lot of people are laughing. Is there anybody here that
25 thinks CSI is real? So nobody is expecting somebody to come here and say that

1 they went to the house that we talked about and they sucked all the air out of it and,
2 therefore, they found this little piece of semen or something like that from ten years
3 ago that's going to make or break the case. Nobody is expecting to hear anything
4 like that, right?

5 As jurors what you are doing in this case is you're going to listen to all
6 of the witnesses. You're going to see any evidence that is admitted. And, then,
7 you're going to go in the back and deliberate. And while you're deliberating in the
8 back for there to be a verdict, you have to be unanimous. So what happens, Ms.
9 Mandel if you're in the back and you're deliberating and 11 people feel one way and
10 1 – you feel the other way, doesn't matter which way, but 11 people feel one way
11 and you feel the other way; what are you going to do?

12 PROSPECTIVE JUROR #041: Well, certainly, I'm listening to the other 11
13 people. Obviously, I've missed something if there's eleven and there's just me, but I
14 also am pretty certain about – on my convictions and my understanding and my
15 ability to listen. So I don't think my job as a juror is to convince people to come onto
16 my side, but you know, I am open-minded enough that maybe I missed something.

17 MS. LUZAICH: You said, obviously, I missed something. Why? Why would it
18 have to be you? Why couldn't the other 11 have missed something?

19 PROSPECTIVE JUROR #041: Well, I mean – you're absolutely right. And if I
20 was egotistical in that nature to believe that I was so centric around everything is
21 right because of me, then I would certainly have that thought but I'm not. And I'm
22 also not of a school where I'm believe I'm right all the time.

23 MS. LUZAICH: Okay. Well, good. Thank you.

24 Mr. Carlyn, what about you? It's 11 to 1 and you're the one. What are
25 you going to do?

1 PROSPECTIVE JUROR #023: I'd probably, I guess, talk to them about why I
2 think that. But I mean if 11 people are going against me, I'm pretty sure just like she
3 said I missed something. But I would talk about it, why, you know why am I – why
4 I'm saying that, you know. Why am I the one person?

5 MS. LUZAICH: And you would talk about it. Well, if you're sure, will you stick
6 to your guns?

7 PROSPECTIVE JUROR #023: Yeah, why not?

8 MS. LUZAICH: Oh, I don't know, you tell me.

9 PROSPECTIVE JUROR #023: I mean if I think I'm right and the 11 people
10 aren't right, I'm going to stick to 'em.

11 MS. LUZAICH: Okay.

12 PROSPECTIVE JUROR #023: We're going to be back there for awhile
13 though.

14 MS. LUZAICH: Okay. And what if you are positive that you're right. They
15 can't change your mind. And it's Friday and it's five to five. Are you going to
16 change your mind just 'cause you want to go home?

17 PROSPECTIVE JUROR #023: No.

18 MS. LUZAICH: Okay. Good. Thank you.

19 Miss Ross, what about yourself? It's 11 to 1, what are you going to do?

20 PROSPECTIVE JUROR #075: I mean we – just like the two of them said, I
21 mean obviously there's something that was missed or maybe they missed some-
22 thing that I caught or I mean we'd have to discuss it and talk about it.

23 MS. LUZAICH: Okay. Everybody says that it's something you missed. Is it
24 possible that maybe somebody misheard something? You didn't miss it, you just
25 misheard something?

1 PROSPECTIVE JUROR #075: Possibly.

2 MS. LUZAICH: Or is it possible that you just disagree?

3 PROSPECTIVE JUROR #075: That as well.

4 MS. LUZAICH: What are you going to do? Are you going to stick to your

5 guns?

6 PROSPECTIVE JUROR #075: Yes. I mean –

7 MS. LUZAICH: If you're sure. If you're sure that you're right will you stick to

8 your guns?

9 PROSPECTIVE JUROR #075: If I'm 100 percent sure that I'm right then yes.

10 MS. LUZAICH: All right. Now, we can't talk about I can't, at least talk about

11 numbers here. But is that what it would take for you a hundred percent sure?

12 PROSPECTIVE JUROR #075: Yes. I'd have to be absolutely positive that I

13 was sure.

14 MS. LUZAICH: To fight the others?

15 PROSPECTIVE JUROR #075: Yes.

16 MS. LUZAICH: Okay. Can you – well, will you at least try and convince them

17 of your point of view?

18 PROSPECTIVE JUROR #075: I would. I would let them know what I was

19 thinking, yes, absolutely.

20 MS. LUZAICH: Okay. You wouldn't leave or you wouldn't fold just 'cause it's

21 Friday and it's five to five?

22 PROSPECTIVE JUROR #075: No.

23 MS. LUZAICH: Mr. Kamaunu, what about you, 11 to 1?

24 PROSPECTIVE JUROR #009: The same thing like them.

25 MS. LUZAICH: Are you going to think that you missed something?

1 PROSPECTIVE JUROR #009: No, but I probably want them to explain to me,
2 I mean not explain to me, make me see what they see. Maybe I'm not seeing what
3 they seeing, you know.

4 MS. LUZAICH: Okay. Remember we talked about different perspectives.
5 Different people have different perspectives?

6 PROSPECTIVE JUROR #009: Yeah.

7 MS. LUZAICH: Do you think that you might view witnesses differently than
8 the others do?

9 PROSPECTIVE JUROR #009: Yeah.

10 MS. LUZAICH: And is that something that could make you feel one way and
11 them feel another way?

12 PROSPECTIVE JUROR #009: Yeah.

13 MS. LUZAICH: Will you stick to your guns if you're sure?

14 PROSPECTIVE JUROR #009: Uh –

15 MS. LUZAICH: You know, there's no right or wrong answer ever –

16 PROSPECTIVE JUROR #009: Oh, I know it. I don't know because –

17 MS. LUZAICH: -- just truthful answers, that's all.

18 PROSPECTIVE JUROR #009: -- they might show me something that – you
19 know what I mean?

20 MS. LUZAICH: Right. That's what I said –

21 PROSPECTIVE JUROR #009: Yeah.

22 MS. LUZAICH: -- if you're sure. If they can't show you something. If they
23 can't give you a reason to change your mind, are you going to stick to your guns?

24 PROSPECTIVE JUROR #009: Yeah.

25 MS. LUZAICH: Okay. Ms. Haber, what about yourself, 11 to 1?

1 PROSPECTIVE JUROR #024: Well, I would ask them, you know to tell me
2 why they come to the conclusion that they came to. I would explain why I came to
3 the conclusion I came to. If I still feel the same way that they can't change my mind,
4 then I'm going to stick to what I believe.

5 MS. LUZAICH: Okay. Even if it's Friday, it's five to five?

6 PROSPECTIVE JUROR #024: Yes.

7 MS. LUZAICH: But it is possible that they would be able to either point to
8 something or –

9 PROSPECTIVE JUROR #024: Anything is possible.

10 MS. LUZAICH: Anything is possible. Anybody disagree with that, anything is
11 possible?

12 Is there anybody who for whatever reason religious, philosophical,
13 moral, is there anybody who cannot sit in judgment? Is there anybody who has any
14 – anything about themselves that would prevent them from being able to sit in
15 judgment?

16 As jurors, you're going to listen to the evidence and decide if the State
17 has proven its case beyond a reasonable doubt. If at the conclusion of all the
18 evidence, the testimony, if you are convinced that the State has proven its case, is
19 there anybody who just couldn't say the word guilty for whatever reason? Is there
20 anybody who could not say the word guilty?

21 Thank you. The State would pass the panel for cause, Judge.

22 THE COURT: Ms. Allen, you may voir dire the jury panel.

23 MS. ALLEN: Thank you, Your Honor.

24 If I may inquire about what time do we think we're breaking? Just so I
25 can gauge.

1 THE COURT: Probably about 45 minutes.

2 MS. ALLEN: Forty-five minutes.

3 THE COURT: Is that okay?

4 MS. ALLEN: Oh, sure; of course.

5 THE COURT: I mean you're not limited –

6 MS. ALLEN: I understand.

7 THE COURT: -- to 45 minutes.

8 MS. ALLEN: Thank you.

9 All right. Good morning still. I think it's before noon, is it? I don't have
10 a watch.

11 MR. MAC ARTHUR: 11:47.

12 MS. ALLEN: How is everybody doing? [Prospective jurors respond in the
13 affirmative]. It's nice to meet all of you.

14 As Ms. Luzaich said yesterday, we're all just looking for a fair jury. You
15 all see like very conscientious people. Mr. MacArthur and I have sat over there very
16 impressed. And thank you for all your answers.

17 I just want to follow-up on some of the things that Ms. Luzaich asked. I
18 hope I won't be very long, but we will see. I think she asked you something about
19 CSI and do you watch CSI and a couple of people raised their hands.

20 I had a friend that used to ask juries, you don't expect someone to
21 produce like a fingerprint in water, right? The ridiculousness of that; right. And she
22 asked some questions about evidence and couldn't evidence simply just be from
23 testimony. Does anybody here think evidence can't just be from someone
24 speaking? If I tell you the light was red, the light was red and that's enough
25 evidence, right? You don't have to actually see the triple light being red. Does any-

1 body disagree with that? No? No responses? Anyone? Okay.

2 And you very well over the next week and a half may – you may not see
3 any DNA evidence and would that bother anybody? No? No one. Okay.

4 Anybody back here [indicating], I don't want to exclude you. Does that
5 bother anybody? All right. No responses.

6 This is when you – well, let me start off with this, so you're sitting here
7 and Ms. Rhoades stood up and she started reading off the charges or she started
8 describing some of the charges. And how many people here did the sexual assault
9 actually stick in your mind? Like you can't probably remember the rest of what she
10 said, but do you all remember the sexual assault? Can anybody here remember
11 any of the other things she said?

12 UNIDENTIFIED PROSPECTIVE JUROR: Domestic violence.

13 MS. ALLEN: Okay. Let's go. Where's the microphone? Okay. If you could
14 just pass it down. Is it Mr. Greenwood.

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

16 MS. ALLEN: Mr. Greenwood, all right. So you remember some of the other
17 charges?

18 PROSPECTIVE JUROR #030: Correct.

19 MS. ALLEN: Okay. Did the sexual assault immediately hit you?

20 PROSPECTIVE JUROR #030: It – yeah, it hit you.

21 MS. ALLEN: Okay. All right.

22 PROSPECTIVE JUROR #030: It's the biggie.

23 MS. ALLEN: That's the biggie, okay.

24 PROSPECTIVE JUROR #030: Oh, yeah.

25 MS. ALLEN: Does it bother you?

1 PROSPECTIVE JUROR #030: Does it? It doesn't bother me individually as a
2 person.

3 MS. ALLEN: Okay. All right. Well, yeah, obviously, you're not – sorry. I'm
4 talking and I get thirsty. You're not the victim obviously and so – or the alleged
5 victim obviously, so – but did the idea that you had to sit here and listen to facts
6 related to a sexual assault bother you?

7 PROSPECTIVE JUROR #030: No.

8 MS. ALLEN: Does it bother you more that the victim may be a child?

9 PROSPECTIVE JUROR #030: Um –

10 MS. ALLEN: Or does it bother, not more, but does it bother you?

11 PROSPECTIVE JUROR #030: Well, no, a daughter or a child shouldn't have
12 to go through anything like that.

13 MS. ALLEN: Okay. All right. So just a sexual is you're like that's fine, but if
14 it's a child that sort of ups the ante for you?

15 PROSPECTIVE JUROR #030: It does.

16 MS. ALLEN: Okay. In that same vein, you were asked questions about
17 children disclosing.

18 PROSPECTIVE JUROR #030: Correct.

19 MS. ALLEN: Do you think that a child can lie about something like that?

20 PROSPECTIVE JUROR #030: Yes.

21 MS. ALLEN: Okay. Do you think that they could lie about a sexual assault?

22 PROSPECTIVE JUROR #030: Yes.

23 MS. ALLEN: Okay. Are you on Facebook?

24 PROSPECTIVE JUROR #030: I am.

25 MS. ALLEN: And Twitter and –

1 PROSPECTIVE JUROR #030: Yes.

2 MS. ALLEN: -- all that stuff? Okay. So you – social media.

3 PROSPECTIVE JUROR #030: Correct.

4 MS. ALLEN: Okay. Do you think social media has put – social media – and
5 not just social media in those things, but television, the Kardashians, all of that; do
6 you think that has sort of pushed sex upon this newer generation of kids? Like the
7 kids let's say 21 and younger? Would you agree with that?

8 PROSPECTIVE JUROR #030: Push? Pushing sex? Not so much as
9 pushing sex –

10 MS. ALLEN: It's more in the foreground.

11 PROSPECTIVE JUROR #030: -- but pretty much just how to act, how to
12 dress, what's cool, who to hang out with and that stuff.

13 MS. ALLEN: What about the sex tapes that come out? Like, I think, Paris
14 Hilton or something, one of them, like Kim Kardashian, one of them; I don't know;
15 whatever. One of them –

16 PROSPECTIVE JUROR #030: Both of them.

17 MS. ALLEN: -- they come out with the sex – so you know more than I do.

18 PROSPECTIVE JUROR #030: Both of them, yeah.

19 MS. ALLEN: I hide. I hide from this. But would you agree that things like that
20 let's say they didn't happen 20 years ago. Did they happen when you were growing
21 up? Do you recall when you were growing up a celebrity and I say celebrity in
22 quotes because really –

23 PROSPECTIVE JUROR #030: Right.

24 MS. ALLEN: -- but, you know, do you recall them ever – a sex tape coming
25 out?

1 PROSPECTIVE JUROR #030: No.

2 MS. ALLEN: Okay.

3 PROSPECTIVE JUROR #030: No.

4 MS. ALLEN: So would you agree with me then that sex is more talked about
5 and discussed?

6 PROSPECTIVE JUROR #030: It is.

7 MS. ALLEN: Okay. Right. So it's a lot easier for children to access this
8 information as well, right?

9 PROSPECTIVE JUROR #030: The Internet age, gen jetter thing.

10 MS. ALLEN: Okay. Right. And if you're not a parent who's like literally on
11 your kid when they're on the Internet or whatever, they can access the view in
12 anything?

13 PROSPECTIVE JUROR #030: Correct.

14 MS. ALLEN: Okay. So information about sex is readily accessible to just
15 about anybody, is that right, these days?

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

17 MS. ALLEN: Okay. And much easier, more so, than when we were kids –

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

19 MS. ALLEN: -- right? Like 30 years ago you had to go to a library or
20 something right?

21 PROSPECTIVE JUROR #030: Exactly.

22 MS. ALLEN: Okay. All right.

23 PROSPECTIVE JUROR #030: National Geographic.

24 MS. ALLEN: National Geographic, perfect. Okay. All right. Let's see. Do
25 you – you have two boys?

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

2 MS. ALLEN: So the luck that you had in your house is that you didn't have a
3 lot of drama?

4 PROSPECTIVE JUROR #030: Sure.

5 MS. ALLEN: All kinds of drama. Okay. So you had two boys. Do you think
6 that children have different priorities than you do?

7 PROSPECTIVE JUROR #030: Different priorities? I don't know, a kid pretty
8 much looks out for himself.

9 MS. ALLEN: Well, what I'm saying is do you think a 12-year-old has different
10 priorities than a 25-year-old?

11 PROSPECTIVE JUROR #030: Yes.

12 MS. ALLEN: Okay. So would you agree that a 12-year-old is concerned
13 about, like, friends and school and maybe if they're going to a dance?

14 PROSPECTIVE JUROR #030: Correct.

15 MS. ALLEN: Okay. Whereas maybe a 20 -- , hopefully a 25-year-old is
16 concerned about getting a job and being responsible?

17 PROSPECTIVE JUROR #030: Right.

18 MS. ALLEN: Okay. And would you agree that 12 year olds or 15 year olds
19 maybe don't handle their priorities as well, they don't handle those priorities as well?

20 PROSPECTIVE JUROR #030: Correct.

21 MS. ALLEN: Okay. They don't maybe see the consequences for their
22 actions?

23 PROSPECTIVE JUROR #030: Correct.

24 MS. ALLEN: Okay. And so if they want to go, I don't know if you had -- you
25 had boys so they're not nearly as dramatic, but if they wanted to do something, then

1 children don't have a problem lying in order to get that, right? They don't
2 necessarily see the consequences of that?

3 PROSPECTIVE JUROR #030: Correct.

4 MS. ALLEN: Okay. All right. Let's see. And just lastly, and then I'll leave
5 you alone for the day, you might actually be done. As I sit over here as defense
6 attorney, my concern would be your understanding of how the system works. I'm
7 not going to go through jury instructions or anything, that's for the Judge to give you.
8 But our system designates the burden of proof to one party in a criminal case, do
9 you understand that?

10 PROSPECTIVE JUROR #030: Correct.

11 MS. ALLEN: Do you know who that party is?

12 PROSPECTIVE JUROR #030: The party of what?

13 MS. ALLEN: Do you know who the party – which side has the burden of proof
14 in this case?

15 PROSPECTIVE JUROR #030: Yes, the prosecution.

16 MS. ALLEN: Those two lovely ladies right there [indicating], right?

17 PROSPECTIVE JUROR #030: Correct.

18 MS. ALLEN: Okay. And you understand that I don't have to do anything for
19 the next two weeks?

20 PROSPECTIVE JUROR #030: I don't know if that's true.

21 MS. ALLEN: Well –

22 PROSPECTIVE JUROR #030: You got to do something.

23 MS. ALLEN: -- the bar might have a problem with me, like I might [inaudible]–

24 PROSPECTIVE JUROR #030: Yeah, that would be that.

25 MS. ALLEN: But under our system of government and under our system of

1 criminal justice, I have no burden in this case. Do you understand that?

2 PROSPECTIVE JUROR #030: Correct.

3 MS. ALLEN: So Mr. MacArthur, while we may not be good lawyers if we did
4 this, we could play Tiddlywinks for the next seven days and if you don't find the
5 State has met their burden, you understand you would select to find Mr. Harris not
6 guilty?

7 PROSPECTIVE JUROR #030: Exactly.

8 MS. ALLEN: You can hate us, but you would still have to find Mr. Harris not
9 guilty?

10 PROSPECTIVE JUROR #030: Right.

11 MS. ALLEN: Okay. And do you understand or do you have a problem with
12 that idea that we have no burden?

13 PROSPECTIVE JUROR #030: Oh, no. He'd have to be proven guilty.

14 MS. ALLEN: Well –

15 PROSPECTIVE JUROR #030: You're innocent; you got to be proven guilty.

16 MS. ALLEN: Okay. Well, I have had a number of jurors say, well, they expect
17 that they would hear from us or they expect that we would call witnesses. And I can
18 tell you that we are but there may be – I wouldn't have to, you understand that?

19 PROSPECTIVE JUROR #030: Correct. Just like a person doesn't have to
20 speak at their own trial. They don't have to say nothing.

21 MS. ALLEN: Okay. So you understand then that Mr. Harris may or may not
22 testify?

23 PROSPECTIVE JUROR #030: Yeah, that's fine.

24 MS. ALLEN: Okay. And there could be reasons for that?

25 PROSPECTIVE JUROR #030: Yeah.

1 MS. ALLEN: Okay. All right. And you have no problem?

2 PROSPECTIVE JUROR #030: No.

3 MS. ALLEN: Okay. Let's see. Thank you Mr. Greenwood, I very much
4 appreciate your time.

5 Mr. Allen, no relation, right? My name is Betsy Allen.

6 PROSPECTIVE JUROR #028: Oh. I don't think so.

7 MS. ALLEN: Okay. How are you?

8 PROSPECTIVE JUROR #028: Okay.

9 MS. ALLEN: Okay. So excited to be here, right?

10 PROSPECTIVE JUROR #028: Okay.

11 MS. ALLEN: When you got your jury summons did you call all your friends
12 and family and just tell: Oh, my God, I got summonsed to sit on a jury? No?

13 PROSPECTIVE JUROR #028: Told my wife. She told me.

14 MS. ALLEN: And you start canvassing people, hey, how do I get out of this?
15 What can I do to get out of this? No?

16 PROSPECTIVE JUROR #028: No. I did reschedule, though, 'cause of work.

17 MS. ALLEN: Oh, you had to reschedule, okay. All right.

18 All right. So I think I saw you nodding your head when I asked the initial
19 question about when you heard the charges was sexual assault was that the one
20 that really stood out to you?

21 PROSPECTIVE JUROR #028: Yes.

22 MS. ALLEN: Okay. And likewise with Mr. Greenwood does it bother you that
23 you may hear a child come in and describe something that she alleges happened?

24 PROSPECTIVE JUROR #028: No, I don't think so.

25 MS. ALLEN: Okay. Do you believe that you have the type of personality to

1 not rush to judgment on this?

2 PROSPECTIVE JUROR #028: Yes.

3 MS. ALLEN: Okay. Even though it potentially is a child, right?

4 PROSPECTIVE JUROR #028: Right.

5 MS. ALLEN: Okay. And the allegations are, obviously, very serious?

6 PROSPECTIVE JUROR #028: Yes.

7 MS. ALLEN: There was some questions asked about, I think, yesterday. This
8 was yesterday and it may have been I think in the front row about sex being some-
9 thing that's very private. Do you recall anything about – you probably don't even
10 remember yesterday, do you? You just think about what was dinner was going to
11 be when you got home, right?

12 PROSPECTIVE JUROR #028: No somebody made a comment about that.

13 MS. ALLEN: Okay. Do you agree with that that sex –

14 PROSPECTIVE JUROR #028: Yes, I think so.

15 MS. ALLEN: -- that it's a very intimate and private thing?

16 PROSPECTIVE JUROR #028: Yes. I'm pretty old-fashioned.

17 MS. ALLEN: All right. Okay. Fair enough. Would you agree – well, tell me
18 your idea of why it is intimate and private. Do you have a reason behind that?

19 PROSPECTIVE JUROR #028: I would assume it's the way we were brought
20 up to think, think that way.

21 MS. ALLEN: Okay. So you believe it may have come from your parents?

22 PROSPECTIVE JUROR #028: Right.

23 MS. ALLEN: Or family, if you were raised in a close-knit family?

24 PROSPECTIVE JUROR #028: Yes.

25 MS. ALLEN: Okay.

1 PROSPECTIVE JUROR #028: Society in general.

2 MS. ALLEN: Society in general, all right. Do you have children?

3 PROSPECTIVE JUROR #028: Yes, they're all grown.

4 MS. ALLEN: They're all grown. Do you remember when they were very little,
5 vaguely?

6 PROSPECTIVE JUROR #028: A long time ago.

7 MS. ALLEN: Do you remember when – and this may or may not have
8 occurred with you, but did you children ever strip off their clothing, like when they
9 were 18 months old, they'd take a shirt off or they didn't have a problem with just
10 being in a diaper? Do you recall that?

11 PROSPECTIVE JUROR #028: I don't recall them stripping off their clothes,
12 but I'm sure they ran around in diapers a lot.

13 MS. ALLEN: Okay. Do you recall if your children – well, let me ask this, do
14 you recall if you and your wife were the ones who instructed them on modesty?

15 PROSPECTIVE JUROR #028: Oh, yes.

16 MS. ALLEN: Okay. Do you believe modesty comes naturally with children or
17 do you think it's something that's taught?

18 PROSPECTIVE JUROR #028: Oh, I think it's taught.

19 MS. ALLEN: Okay. Much like the intimacy of sex?

20 PROSPECTIVE JUROR #028: Right.

21 MS. ALLEN: Okay. Do you – and you believe it comes from parents or
22 people who raise the child, is that correct?

23 PROSPECTIVE JUROR #028: Most of it, yes.

24 MS. ALLEN: Okay. So if a child were raised in such a way that it wasn't
25 intimate –

1 PROSPECTIVE JUROR #028: Um-huh.

2 MS. ALLEN: -- that they weren't taught that sex was a private thing or that it
3 was intimate, do you think that could make a difference?

4 PROSPECTIVE JUROR #028: Yes.

5 MS. ALLEN: What kind of difference do you think it would make?

6 PROSPECTIVE JUROR #028: Well, they'd have a complete different outlook
7 and -- at least until they got into school and started learning other things.

8 MS. ALLEN: Okay. All right.

9 PROSPECTIVE JUROR #028: I think --

10 MS. ALLEN: Do you think they would be more outwardly about it?

11 PROSPECTIVE JUROR #028: Yes.

12 MS. ALLEN: And they wouldn't have concerns about talking about it or
13 discussing it with people, is that right?

14 PROSPECTIVE JUROR #028: Right, right.

15 MS. ALLEN: If that's how they were raised?

16 PROSPECTIVE JUROR #028: Yes.

17 MS. ALLEN: How did you -- well, let me ask you this, when your kids lied to
18 you did you know right away? Does it -- do you have that parent meter, type lie
19 meter thing, where you're just like, you know, you're lying?

20 PROSPECTIVE JUROR #028: Our three kids were very well-behaved. I
21 think my wife could tell as soon as anyone of them would tell a lie.

22 MS. ALLEN: Okay. So your wife had it?

23 PROSPECTIVE JUROR #028: She -- yes, she was -- was -- yeah, she knew
24 what was going on with all three of them all the time.

25 MS. ALLEN: It's probably intuitive, isn't it?

1 PROSPECTIVE JUROR #028: Yes.

2 MS. ALLEN: It's like, oh, oh, that was no; you're lying, right? Your wife just
3 caught it? Yes?

4 PROSPECTIVE JUROR #028: Yes.

5 MS. ALLEN: Okay. How difficult do you think it will be to judge – and it
6 doesn't matter if it's a child or an adult – someone who sits up here [indicating] and
7 tells you things that you've never met?

8 PROSPECTIVE JUROR #028: I guess that would be a judgment call to see
9 how they present themselves. I guess it'd be pretty difficult.

10 MS. ALLEN: Okay. All right. Are you that guy? You want to sit here and
11 listen to this and you believe that you're the right guy to sit and discern what people
12 are saying and whether it's truthful or not truthful?

13 PROSPECTIVE JUROR #028: Yes, I'm very logical thinking.

14 MS. ALLEN: You are?

15 PROSPECTIVE JUROR #028: Yes.

16 MS. ALLEN: Okay. Very rational?

17 PROSPECTIVE JUROR #028: I think so.

18 MS. ALLEN: Okay.

19 PROSPECTIVE JUROR #028: Analytic.

20 MS. ALLEN: Analytic, very good. Very good. I appreciate Mr. Allen your
21 time. Thank you very much.

22 Mr. Kamaunu.

23 PROSPECTIVE JUROR #009: Kamaunu [pronounces name].

24 MS. ALLEN: I'm sorry.

25 PROSPECTIVE JUROR #009: It's all good.

1 MS. ALLEN: Are you originally from Hawaii?
2 PROSPECTIVE JUROR #009: Yeah.
3 MS. ALLEN: Okay. All right. What island?
4 PROSPECTIVE JUROR #009: Oahu.
5 MS. ALLEN: Okay. And when did you move to Las Vegas?
6 PROSPECTIVE JUROR #009: 2003, April.
7 MS. ALLEN: Okay. All right. And why – I'm sure you get asked this all the
8 time, so why would you ever move from Hawaii to Las Vegas; it's Hawaii.
9 PROSPECTIVE JUROR #009: Cheaper.
10 MS. ALLEN: Okay; right, which is probably very, very accurate. Okay. You
11 have four daughters is that right?
12 PROSPECTIVE JUROR #009: Yes.
13 MS. ALLEN: And one son?
14 PROSPECTIVE JUROR #009: Yes.
15 MS. ALLEN: Wow, very good for you and you said two of your daughters
16 were –
17 PROSPECTIVE JUROR #009: Sneaky.
18 MS. ALLEN: That's the word. Sneaky.
19 PROSPECTIVE JUROR #009: Yeah.
20 MS. ALLEN: Did you see that start with them very early?
21 PROSPECTIVE JUROR #009: No.
22 MS. ALLEN: You didn't? Okay. They're manipulative, I'm assuming?
23 PROSPECTIVE JUROR #009: Yeah.
24 MS. ALLEN: Okay. You have to be on the lookout for them?
25 PROSPECTIVE JUROR #009: Oh, yeah.

1 MS. ALLEN: Okay. How do you know when they're doing – when they're
2 trying to pull a fast one? Like what is it you see in them when they're trying to pull a
3 fast one?

4 PROSPECTIVE JUROR #009: When they quiet.

5 MS. ALLEN: Oh, yeah, that's the worst.

6 PROSPECTIVE JUROR #009: When I don't hear noises in the house –

7 MS. ALLEN: Yes. You hear nothing and –

8 PROSPECTIVE JUROR #009: -- something is going on.

9 MS. ALLEN: -- you're, oh, something is going over there –

10 PROSPECTIVE JUROR #009: Yeah.

11 MS. ALLEN: -- right. Okay. And so you have to immediately go and find out
12 what's going on?

13 PROSPECTIVE JUROR #009: Oh, yeah.

14 MS. ALLEN: Okay. How old are these, the –

15 PROSPECTIVE JUROR #009: Eight and 10.

16 MS. ALLEN: Oh, they're dangerous –

17 PROSPECTIVE JUROR #009: Yeah.

18 MS. ALLEN: Okay. Do you take everything they say at face value or is
19 everything sort of taken with a grain of salt?

20 PROSPECTIVE JUROR #009: Um –

21 MS. ALLEN: I mean when they tell you, oh, no, you know, it was actually –

22 PROSPECTIVE JUROR #009: Oh, no, no, no. I go check, yeah.

23 MS. ALLEN: -- um, no. Yeah, you have to go check?

24 PROSPECTIVE JUROR #009: Oh, yeah.

25 MS. ALLEN: All right. Do you feel like that would be something you could do

1 here, where you feel like you would listen and take everything into account and you
2 would really look into it yourself?

3 PROSPECTIVE JUROR #009: Yeah.

4 MS. ALLEN: You laugh?

5 PROSPECTIVE JUROR #009: I mean, I mean --

6 MS. ALLEN: No, that's okay, I mean and maybe I'm not asking good
7 questions. I understand. She said yesterday [indicating] we ask poor questions, we
8 really do; we outtalk ourselves, which is the biggest problem.

9 I asked Ms. [sic] Greenwood some questions about do you think the
10 social media --

11 PROSPECTIVE JUROR #009: Yeah.

12 MS. ALLEN: -- and, like, these celebrity things and all, do you think that
13 contributes to --

14 PROSPECTIVE JUROR #009: Oh, yeah.

15 MS. ALLEN: All right. Okay. I need to finish it. Teenagers, even early adults
16 sort of overly sexualize, they know a lot about what's going on?

17 PROSPECTIVE JUROR #009: Yes.

18 MS. ALLEN: Okay. So much more so than when we were younger?

19 PROSPECTIVE JUROR #009: Oh, yeah.

20 MS. ALLEN: And I'm probably a lot older than you, but much more so than
21 when we were younger, is that correct?

22 PROSPECTIVE JUROR #009: Oh, yeah.

23 MS. ALLEN: Okay. And do you find that's a concern for you as a parent with
24 your children? And, do you talk to them about that?

25 PROSPECTIVE JUROR #009: Yeah.

1 MS. ALLEN: It bothers you, doesn't it?

2 PROSPECTIVE JUROR #009: Oh, yeah.

3 MS. ALLEN: Yeah, okay. All right, those are hard –

4 PROSPECTIVE JUROR #009: Yeah.

5 MS. ALLEN: -- discussions to have, right?

6 PROSPECTIVE JUROR #009: My wife is the disci, dis –

7 MS. ALLEN: Disciplinarian?

8 PROSPECTIVE JUROR #009: Yes.

9 MS. ALLEN: She is? Okay.

10 PROSPECTIVE JUROR #009: Yeah.

11 MS. ALLEN: So does she rule with an iron fist?

12 PROSPECTIVE JUROR #009: Yes.

13 MS. ALLEN: She does. Oh, that's good.

14 PROSPECTIVE JUROR #009: Oh, yeah.

15 MS. ALLEN: Okay. I – okay. Do you think this access to sex – and I don't

16 mean sex the act, I just mean sex in general; do you think this access to it has

17 changed this generation of children? Do you think that they're just a little different –

18 PROSPECTIVE JUROR #009: Yes.

19 MS. ALLEN: -- in that regard?

20 PROSPECTIVE JUROR #009: Yes.

21 MS. ALLEN: Okay. Do you find your kids succumbing to peer pressure, if

22 you know? I mean do you find that they have issues with that?

23 PROSPECTIVE JUROR #009: I know they get issues with fashion.

24 MS. ALLEN: Okay.

25 PROSPECTIVE JUROR #009: Like they got to have this shoes because

1 that's what everybody is wearing and –

2 MS. ALLEN: Okay. All right. So –

3 PROSPECTIVE JUROR #009: -- certain kind of jeans or, you know.

4 MS. ALLEN: Okay. So it's the, like, Hollister or whatever everybody is
5 wearing in school, they got to have the same thing?

6 PROSPECTIVE JUROR #009: Yeah, yeah.

7 MS. ALLEN: Okay. Would you consider that to be sort of a form of peer
8 pressure?

9 PROSPECTIVE JUROR #009: Yeah.

10 MS. ALLEN: Do you see your own children pressuring their siblings in that
11 regard? Go do this. Let's do that.

12 PROSPECTIVE JUROR #009: Oh, yeah; yeah, yeah.

13 MS. ALLEN: Okay. Do you find the older ones maybe have a little more
14 control over the younger one?

15 PROSPECTIVE JUROR #009: Yes.

16 MS. ALLEN: Okay. And they can get them to do stuff if they want? Like –

17 PROSPECTIVE JUROR #009: Yes.

18 MS. ALLEN: -- oh, we want to do this, so why don't you go do it?

19 PROSPECTIVE JUROR #009: Yeah, yeah.

20 MS. ALLEN: And you can get in trouble for it.

21 PROSPECTIVE JUROR #009: Or they go to the favorite; they're like, hey, go
22 ask daddy for this.

23 MS. ALLEN: Oh, brilliant.

24 PROSPECTIVE JUROR #009: Yeah.

25 MS. ALLEN: Okay. So they go to the favorite, nice. Okay. And then they –

1 then that one comes and propositions you, okay. So would you agree then that peer
2 pressure doesn't have to come from the outside, it can actually come internally from
3 your – the other people in the house?

4 PROSPECTIVE JUROR #009: Yes.

5 MS. ALLEN: Okay. Ms. Luzaich asked a number of you if you automatically
6 would believe an adult over a child and you – I think everybody universally said no.

7 PROSPECTIVE JUROR #009: No.

8 MS. ALLEN: Would you automatically believe a child over an adult?

9 PROSPECTIVE JUROR #009: No.

10 MS. ALLEN: Okay. So children – and you know obviously there's going to be
11 some come in and talk about an allegation of sexual assault.

12 PROSPECTIVE JUROR #009: Yes.

13 MS. ALLEN: Do you believe just because it's a child it automatically
14 happened?

15 PROSPECTIVE JUROR #009: No.

16 MS. ALLEN: Okay. You believe people can make those kinds of allegations
17 up?

18 PROSPECTIVE JUROR #009: Yes.

19 MS. ALLEN: Sex, sex for money I think is – and do you think – the question
20 was do you believe that people who perform sex for money are bad people I guess.
21 And I think it was –

22 PROSPECTIVE JUROR #009: No.

23 MS. ALLEN: No. It's – prostitution is the world's oldest profession, right?

24 PROSPECTIVE JUROR #009: Yeah, yeah.

25 MS. ALLEN: Okay. It's legal in every county but two I think in the state.

1 PROSPECTIVE JUROR #009: Yeah.

2 MS. ALLEN: People who make bad decisions likewise maybe don't – they
3 don't deserve to be treated badly or to be punished in any way for just bad
4 decisions, right?

5 PROSPECTIVE JUROR #009: No.

6 MS. ALLEN: What about decisions that involve or what about bad decisions
7 involving your children? What if you commit a crime against your own children?

8 PROSPECTIVE JUROR #009: It'd make me a bad person.

9 MS. ALLEN: Well, I'm just asking in general.

10 PROSPECTIVE JUROR #009: Oh.

11 MS. ALLEN: Do you think – would that – does that – is that going to affect
12 your ability or do – when you look at that person, will that affect what they say?

13 PROSPECTIVE JUROR #009: Oh, if somebody did something to my
14 children?

15 MS. ALLEN: Somebody – what if somebody – no, I'm talking about someone
16 who did something to their own children.

17 PROSPECTIVE JUROR #009: Oh. All depends on the crime, you know.

18 MS. ALLEN: Okay. If it was sexual in nature, incest?

19 PROSPECTIVE JUROR #009: That's wrong.

20 MS. ALLEN: Okay. Would that affect your judgment of that person?

21 PROSPECTIVE JUROR #009: Yeah.

22 MS. ALLEN: Okay. All right. You'd look at them a little differently?

23 PROSPECTIVE JUROR #009: Yes, I would.

24 MS. ALLEN: Okay. Does incest go beyond a bad judgment call or a bad
25 decision? Is incest beyond a bad decision for you? Is it worse than a bad decision I

1 guess?

2 PROSPECTIVE JUROR #009: Yeah.

3 MS. ALLEN: Okay, all right. Thank you very much.

4 Ms. Smith. Smith, oh, sorry, I apologize. How are you?

5 PROSPECTIVE JUROR #040: Fine, thanks.

6 MS. ALLEN: And I am sorry. How are you?

7 [Passing microphone]

8 MS. ALLEN: How are you?

9 PROSPECTIVE JUROR #040: I'm fine. I'm good. Thank you.

10 MS. ALLEN: Likewise, were you excited to get your jury summons?

11 PROSPECTIVE JUROR #040: Elated; I say it once again.

12 MS. ALLEN: Okay. You work downstairs, is that right?

13 PROSPECTIVE JUROR #040: Yes.

14 MS. ALLEN: So you must see a lot of very interesting people and things –

15 PROSPECTIVE JUROR #040: Yes.

16 MS. ALLEN: -- working downstairs? How long you been down there?

17 PROSPECTIVE JUROR #040: A year.

18 MS. ALLEN: A year. Okay. I apologize, let me go back. You have one
19 daughter, is that right?

20 PROSPECTIVE JUROR #040: Yes.

21 MS. ALLEN: Okay. Was she – I guess there's just at this point when they're
22 little –

23 PROSPECTIVE JUROR #040: Um-huh.

24 MS. ALLEN: -- two classifications. Was she really good and calm or was she
25 sneaky and manipulative?

1 PROSPECTIVE JUROR #040: Well, um, no she was – she's a only child –
2 MS. ALLEN: Okay.
3 PROSPECTIVE JUROR #040: -- so.
4 MS. ALLEN: So is she more mature?
5 PROSPECTIVE JUROR #040: Yes.
6 MS. ALLEN: Okay. She –
7 PROSPECTIVE JUROR #040: And probably have a tendency to be a little bit
8 more selfish 'cause she's not accustomed to sharing. So, you know, that was some-
9 thing that I had to really work with her on as she got older, especially – and, well,
10 even when she was young with the toys.
11 MS. ALLEN: Okay. All right.
12 PROSPECTIVE JUROR #040: Um-huh.
13 MS. ALLEN: So they were mine, right?
14 PROSPECTIVE JUROR #040: Yeah.
15 MS. ALLEN: Mine.
16 PROSPECTIVE JUROR #040: I mean –
17 MS. ALLEN: Okay. All right. Do you think that – and you're coming from a
18 little different perspective, I guess –
19 PROSPECTIVE JUROR #040: Um-huh.
20 MS. ALLEN: -- 'cause she was an only child. I do understand that.
21 Do you think that her priorities were a little different when she was
22 younger, when she was 12 versus 25?
23 PROSPECTIVE JUROR #040: Well, I had a little – her father passed away
24 when she was about 14.
25 MS. ALLEN: Um-huh.

1 PROSPECTIVE JUROR #040: And at 12 – her father was a singer and so at
2 12 was when her father discovered that – well, he told me it was time to introduce
3 the world to her. And so I started getting her in shows and so it was a little different
4 with her where she didn't have much play time at that age –

5 MS. ALLEN: Oh.

6 PROSPECTIVE JUROR #040: -- from 12 to present time. She's gone to
7 school and been singing.

8 MS. ALLEN: Okay. When she – where did she go to school?

9 PROSPECTIVE JUROR #040: She went to school here.

10 MS. ALLEN: Oh, she did, okay.

11 PROSPECTIVE JUROR #040: Uh-huh, to high school here.

12 MS. ALLEN: High school here.

13 PROSPECTIVE JUROR #040: Um-huh.

14 MS. ALLEN: Okay. And then she's now pursuing a career in singing?

15 PROSPECTIVE JUROR #040: Yes, still.

16 MS. ALLEN: All right.

17 PROSPECTIVE JUROR #040: Um-huh.

18 MS. ALLEN: I think you said you had a prior – you had a prior issue with
19 domestic violence, is that correct?

20 PROSPECTIVE JUROR #040: Yes.

21 MS. ALLEN: Okay.

22 PROSPECTIVE JUROR #040: With my second husband.

23 MS. ALLEN: And you were the victim in that case?

24 PROSPECTIVE JUROR #040: Yes.

25 MS. ALLEN: Okay. If you were to find out that someone had falsified a

1 domestic violence, would that offend you?

2 PROSPECTIVE JUROR #040: Offend me? No, because I know things like –
3 of that nature can happen. So, you know, people can lie.

4 MS. ALLEN: Okay.

5 PROSPECTIVE JUROR #040: People can exaggerate. And people do a lot
6 of things, especially when they're drunk. So, I mean, because –

7 MS. ALLEN: I understand.

8 PROSPECTIVE JUROR #040: -- I just have to speak from my personal
9 experience with the domestic violence. It was because of my husband's drinking is
10 what –

11 MS. ALLEN: Led to that.

12 PROSPECTIVE JUROR #040: -- led to –

13 MS. ALLEN: Okay.

14 PROSPECTIVE JUROR #040: -- the issue. If it weren't for his drinking,
15 everything would be fine between us.

16 MS. ALLEN: Okay. All right. Thank you very much. I appreciate that. Thank
17 you.

18 Ms. Lewis, I have to ask where did you grow up?

19 PROSPECTIVE JUROR #037: In a very small town called San Manuel,
20 Arizona.

21 MS. ALLEN: Okay. Yeah, I thought you said you were from Arizona. But this
22 town sounds like it could be a show, like a TV show.

23 PROSPECTIVE JUROR #037: Yeah, yeah, definitely.

24 MS. ALLEN: Put a blank in and it sounds like it could have been a TV show.

25 PROSPECTIVE JUROR #037: It's, you know, a small town.

1 MS. ALLEN: Okay. You – I think you may – I wrote down next to your name
2 reason for doing something. You said people have reasons for doing something?

3 PROSPECTIVE JUROR #037: Um-huh.

4 MS. ALLEN: You agree with that, obviously you said that?

5 PROSPECTIVE JUROR #037: Yes, yes.

6 MS. ALLEN: Okay. Would you – let's see, so – sorry, I'm tired. Would you
7 agree that people's reasons for doing something are not always – they're not always
8 appropriate. They're not always good reason?

9 PROSPECTIVE JUROR #037: Of course, yeah.

10 MS. ALLEN: Okay. They can be sinister?

11 PROSPECTIVE JUROR #037: Yes.

12 MS. ALLEN: Okay. But they can be legitimate?

13 PROSPECTIVE JUROR #037: Yes.

14 MS. ALLEN: You were, I think, speaking in terms of prostitution. And that
15 sometimes people fall down on their luck and they have to do what they have to do
16 to survive?

17 PROSPECTIVE JUROR #037: Yes.

18 MS. ALLEN: Okay. And there's no reason to look down on people for that, is
19 there?

20 PROSPECTIVE JUROR #037: No.

21 MS. ALLEN: Do you agree that – with the idea that the defense has no
22 burden in this case?

23 PROSPECTIVE JUROR #037: Yes, I agree with that.

24 MS. ALLEN: You agree?

25 PROSPECTIVE JUROR #037: Yeah.

1 MS. ALLEN: Okay. Do you have a problem with it?

2 PROSPECTIVE JUROR #037: I would assume or I would rely on human
3 nature being that if somebody accuses you of something, you would want to defend
4 yourself.

5 MS. ALLEN: Right.

6 PROSPECTIVE JUROR #037: So if you were to play Tiddlywinks, I would
7 probably not --

8 MS. ALLEN: Ever call me.

9 PROSPECTIVE JUROR #037: -- think that you had a very good case and
10 would likely side with the other, but.

11 MS. ALLEN: Okay. Or, or the case could be so bad we just don't have to do
12 anything right, necessarily?

13 PROSPECTIVE JUROR #037: Exactly, yeah, then it's obvious.

14 MS. ALLEN: Okay. So it could be either way?

15 PROSPECTIVE JUROR #037: Yes.

16 MS. ALLEN: I promise I'm not going to play Tiddlywinks. I might read or
17 something, but -- no, I'm just kidding.

18 You kind of hesitated on whether or not you agree with the idea that the
19 burden is with the State. Do you expect that we would call witnesses?

20 PROSPECTIVE JUROR #037: I would expect that. I would hope you would.

21 MS. ALLEN: Okay. And if we didn't?

22 PROSPECTIVE JUROR #037: Again, if you didn't, I would just wonder why
23 somebody wouldn't defend themselves.

24 MS. ALLEN: Okay. Which leads me to Mr. Harris and whether or not he
25 would testify. Do you think that he should?

1 PROSPECTIVE JUROR #037: That I don't have a problem with.

2 MS. ALLEN: Okay. You understand our system is you have the right not to –

3 PROSPECTIVE JUROR #037: Yeah.

4 MS. ALLEN: -- take the stand and that can't be held against you?

5 PROSPECTIVE JUROR #037: I do.

6 MS. ALLEN: Okay. So you have no problem if Mr. Harris never takes the

7 stand?

8 PROSPECTIVE JUROR #037: I do not.

9 MS. ALLEN: All right. And there could be legitimate, perfectly legitimate

10 reasons for something like that?

11 PROSPECTIVE JUROR #037: Yes.

12 MS. ALLEN: Okay. I apologize, do you have a child? I can't remember.

13 PROSPECTIVE JUROR #037: I have two.

14 MS. ALLEN: You have two –

15 PROSPECTIVE JUROR #037: Um-huh.

16 MS. ALLEN: -- okay. So do you think you're a reasonably good judge of –

17 PROSPECTIVE JUROR #037: Very good.

18 MS. ALLEN: Okay. Do you have that whole sixth sense?

19 PROSPECTIVE JUROR #037: Oh, I've got the mommy senses down, right.

20 MS. ALLEN: Right. So you know when they're lying?

21 PROSPECTIVE JUROR #037: Oh, yeah.

22 MS. ALLEN: Okay. What about when their friends come over, do you – are

23 you equally as good at catching them?

24 PROSPECTIVE JUROR #037: Yeah. Yeah, you know the kid's

25 characteristics and whatnot and they display different characteristics when they're

1 showing off for their friends.

2 MS. ALLEN: Okay. All right. How old are your children?

3 PROSPECTIVE JUROR #037: Six and eight.

4 MS. ALLEN: Six and eight. Does the 8-year-old get the 6-year-old to do
5 things?

6 PROSPECTIVE JUROR #037: Oh, yeah.

7 MS. ALLEN: Okay.

8 PROSPECTIVE JUROR #037: Definitely.

9 MS. ALLEN: Peer pressure, as it were, but it's just not coming from outside?

10 PROSPECTIVE JUROR #037: Yeah.

11 MS. ALLEN: Okay. And does – gets the 6-year-old in trouble?

12 PROSPECTIVE JUROR #037: Well, no, I know it's coming from the 8-year-
13 old.

14 MS. ALLEN: Oh, so you –

15 PROSPECTIVE JUROR #037: My 6-year-old is autistic, so it's pretty obvious
16 when he's –

17 MS. ALLEN: When he's being put up to something.

18 PROSPECTIVE JUROR #037: -- being told what to do. Yeah.

19 MS. ALLEN: Okay. So you catch it right away?

20 PROSPECTIVE JUROR #037: Yeah, definitely.

21 MS. ALLEN: Okay. All right. Your 6-year-old probably doesn't really have
22 the ability to lie very well.

23 PROSPECTIVE JUROR #037: He tries to you know.

24 MS. ALLEN: Does he?

25 PROSPECTIVE JUROR #037: He tried – again, the sneaky, the silly sneaky

1 part of it; but, no, he's not able to. I can always definitely tell when he's not telling
2 the truth.

3 MS. ALLEN: Is the 8-year-old a –

4 PROSPECTIVE JUROR #037: A girl.

5 MS. ALLEN: -- is a girl.

6 PROSPECTIVE JUROR #037: Yeah, my 8-year-old is –

7 MS. ALLEN: Oh, so, much – great – more the ability, I think.

8 PROSPECTIVE JUROR #037: Yes, oh, definitely.

9 MS. ALLEN: Okay, okay. All right.

10 PROSPECTIVE JUROR #037: Girls are always more manipulative.

11 MS. ALLEN: Do you see the difference in the genders with the two of them?

12 PROSPECTIVE JUROR #037: Definitely.

13 MS. ALLEN: Okay.

14 PROSPECTIVE JUROR #037: Yeah.

15 MS. ALLEN: Do you have a tendency or do you think you would have a
16 tendency to believe a child automatically over an adult?

17 PROSPECTIVE JUROR #037: No

18 MS. ALLEN: Just because they're a child?

19 PROSPECTIVE JUROR #037: No.

20 MS. ALLEN: Okay. Going back to some of the questions earlier. Were you a
21 little shocked when you heard the charges?

22 PROSPECTIVE JUROR #037: I was.

23 MS. ALLEN: Okay. Were you expecting a stolen car?

24 PROSPECTIVE JUROR #037: I was hoping for something not criminal in
25 nature, yeah.

1 MS. ALLEN: Oh, like a car accident?

2 PROSPECTIVE JUROR #037: Yes.

3 MS. ALLEN: Oh –

4 PROSPECTIVE JUROR #037: Or even a stolen car, but – yeah, I'm not
5 looking forward to being chosen for this jury if I am.

6 MS. ALLEN: You could have been lucky and got on a, I think construction
7 defect trial, they last like eight weeks or something.

8 PROSPECTIVE JUROR #037: Oh, good Lord.

9 MS. ALLEN: Those are fun. What – maybe even longer, I don't even know.

10 What – why did you make that statement? So you don't want to sit on
11 this jury?

12 PROSPECTIVE JUROR #037: Honestly, I don't want to. I do understand that
13 the kids that are going to come up here may or may not have been pressured by
14 either party, you know, by the person who may have victimized them or the person
15 who's supposed to be their advocate. But I do understand that it's going to be hard
16 for me to see a young girl sit up there and say something that may or may not have
17 happened to her. And if she's believable, it's going to be much harder –

18 MS. ALLEN: Okay.

19 PROSPECTIVE JUROR #037: -- to hear her testimony.

20 MS. ALLEN: Is it possible that – could you see an instance where maybe
21 they – no one was victimized, there was no victimization?

22 PROSPECTIVE JUROR #037: Um-huh, yes.

23 MS. ALLEN: Yes?

24 PROSPECTIVE JUROR #037: Yes.

25 MS. ALLEN: Okay. I'm sorry. You have to answer out loud.

1 PROSPECTIVE JUROR #037: Yeah.

2 MS. ALLEN: In that instance, if you were able to determine that, let's go with
3 no victimization, then would it bother you as much?

4 PROSPECTIVE JUROR #037: If I – if I personally deemed that the witness
5 was not telling the truth then, no, it wouldn't bother me as much, because then it
6 wouldn't have happened, so.

7 MS. ALLEN: Okay. All right. Okay. Do you – well, do you think children are
8 easily manipulated? I mean do you think that –

9 PROSPECTIVE JUROR #037: Both ways. Again, it definitely depends on
10 the child, their circumstances, how strong they are, how afraid they are; if they've
11 been threatened in any way, you know.

12 MS. ALLEN: Okay.

13 PROSPECTIVE JUROR #037: But – so, yeah, a child could be easily
14 manipulated.

15 MS. ALLEN: Okay. And would you agree that it doesn't have to come from
16 an adult, it could come from a sibling or –

17 PROSPECTIVE JUROR #037: Yeah.

18 MS. ALLEN: -- someone in the family?

19 PROSPECTIVE JUROR #037: Yes.

20 MS. ALLEN: Okay. Okay. I think that's it. I think I'm going to leave you
21 alone. Wasn't too painful I hope.

22 Let's see, Mr. Newman

23 PROSPECTIVE JUROR #001: Yes, ma'am.

24 MS. ALLEN: How are you?

25 PROSPECTIVE JUROR #001: I'm well.

1 MS. ALLEN: Jump back to you. This is your second go around.

2 PROSPECTIVE JUROR #001: Yes, ma'am.

3 MS. ALLEN: Okay. Speaking from – and I don't want to talk about the trial

4 itself, but just the idea of sitting on a jury, the first time you did it.

5 PROSPECTIVE JUROR #001: Yes.

6 MS. ALLEN: Did you feel like you were somewhat educated? Like walking

7 into it did you feel, like, oh, wow, I didn't realize it worked like this?

8 PROSPECTIVE JUROR #001: I think I had a general understanding of how –

9 MS. ALLEN: Okay.

10 PROSPECTIVE JUROR #001: -- the courts work and how the jury worked.

11 MS. ALLEN: Okay. Were you surprised at all by anything that happened, like

12 during jury selection or anything? Nothing at all?

13 PROSPECTIVE JUROR #001: No, no.

14 MS. ALLEN: Okay. Would you regard that as a pleasant experience?

15 PROSPECTIVE JUROR #001: Overall it was not a bad experience, no.

16 MS. ALLEN: Okay. You like sitting on a jury?

17 PROSPECTIVE JUROR #001: I don't like it –

18 MS. ALLEN: Okay.

19 PROSPECTIVE JUROR #001: -- any more than I dislike it, no.

20 MS. ALLEN: Oh, it's a civil duty, okay.

21 PROSPECTIVE JUROR #001: Yes.

22 MS. ALLEN: So you see it as you're a citizen and I – this is the duty that I

23 have to county and my state and things like that?

24 PROSPECTIVE JUROR #001: Yes.

25 MS. ALLEN: Okay. Walking into the first jury did you have a clear under-

1 standing of who had the burden in the case?

2 PROSPECTIVE JUROR #001: Yes.

3 MS. ALLEN: Okay. At any point in time did that bother you?

4 PROSPECTIVE JUROR #001: No.

5 MS. ALLEN: Does it bother you today?

6 PROSPECTIVE JUROR #001: No.

7 MS. ALLEN: Is there any reason you would be concerned if Mr. Harris did not
8 testify?

9 PROSPECTIVE JUROR #001: No.

10 MS. ALLEN: Okay. Doesn't bother you at all?

11 PROSPECTIVE JUROR #001: No.

12 MS. ALLEN: All right. Are you aware of the, like the mandatory reporting in
13 the state of Nevada?

14 PROSPECTIVE JUROR #001: I think I have a general idea, yes.

15 MS. ALLEN: Okay. Can you just give me an idea of what your general idea
16 is?

17 PROSPECTIVE JUROR #001: Teachers or those that have interaction with
18 children see or suspect anything that would or could be potentially harmful to the
19 child, whether it be physical abuse, mental abuse, sexual abuse; that they report
20 that to Child Protective Services.

21 MS. ALLEN: Okay. Or the police is that right?

22 PROSPECTIVE JUROR #001: Or police.

23 MS. ALLEN: Okay. And they're under an affirmative duty to do that, is that –

24 PROSPECTIVE JUROR #001: To do so, yes.

25 MS. ALLEN: -- as far as you know?

1 PROSPECTIVE JUROR #001: Yes.

2 MS. ALLEN: Okay. Would – if you, I guess if you came upon some
3 information, I guess you found out that let's say someone didn't report something,
4 that would be certainly offensive to you, is that right?

5 PROSPECTIVE JUROR #001: I'd be concerned –

6 MS. ALLEN: Okay, all right.

7 PROSPECTIVE JUROR #001: -- yes.

8 MS. ALLEN: Okay. I had spoke or I was talking with Mr. Allen about the idea
9 of sex being sort of a private, intimate thing. Do – were you – you probably weren't
10 paying attention to that?

11 PROSPECTIVE JUROR #001: I was.

12 MS. ALLEN: You were, okay. Did you agree with some of the things we were
13 talking about or did you agree that the intimacy or privacy of sex is learned, it's a
14 taught behavior?

15 PROSPECTIVE JUROR #001: Yes, I would agree with that.

16 MS. ALLEN: Okay. Somewhat like modesty?

17 PROSPECTIVE JUROR #001: Correct.

18 MS. ALLEN: Okay. And would you also agree then that if it wasn't taught,
19 that someone would be able to talk about – there's no embarrassment or shield,
20 personal shield –

21 PROSPECTIVE JUROR #001: Yes.

22 MS. ALLEN: -- does that make sense?

23 PROSPECTIVE JUROR #001: Yes, I believe they'd be a little bit more open.

24 MS. ALLEN: Okay. And so someone who wasn't necessarily taught the idea
25 that sex was private, they wouldn't have any problems talking about it to other

1 people, is that correct?

2 PROSPECTIVE JUROR #001: I believe so, yes.

3 MS. ALLEN: Okay. How important is education?

4 PROSPECTIVE JUROR #001: I believe it's very important.

5 MS. ALLEN: Not everybody is meant to go to college is that right?

6 PROSPECTIVE JUROR #001: Not everybody can.

7 MS. ALLEN: Not everybody can, okay.

8 PROSPECTIVE JUROR #001: Yeah.

9 MS. ALLEN: Some people are meant to maybe go to trade schools or do
10 different things, is that right?

11 PROSPECTIVE JUROR #001: Sure, sure.

12 MS. ALLEN: Okay. All right. Okay. Thank you, Mr. Newman, I appreciate it.

13 PROSPECTIVE JUROR #001: Yes.

14 MS. ALLEN: Ms. Stammanetti?

15 PROSPECTIVE JUROR #020: Stammetti.

16 MS. ALLEN: Stammetti. Sorry. I apologize. Your friend that disclosed this to
17 you –

18 PROSPECTIVE JUROR #020: Yes.

19 MS. ALLEN: -- she had been, I guess, abused, is that correct?

20 PROSPECTIVE JUROR #020: Yes.

21 MS. ALLEN: Can you recall her affect when she was describing it for you or
22 telling you about it? Do you remember was she upset? Did she seem emotional?

23 PROSPECTIVE JUROR #020: Not particularly, she had pretty much written
24 her dad off.

25 MS. ALLEN: I'm sorry? Pardon?

1 PROSPECTIVE JUROR #020: She had pretty much written her dad off, so
2 she wasn't – she had gotten through it.

3 MS. ALLEN: Okay. You said she was in counseling?

4 PROSPECTIVE JUROR #020: I don't know that she went to counseling, no.

5 MS. ALLEN: Maybe I'm mixing it up. Did you have – was it someone in your
6 family –

7 PROSPECTIVE JUROR #020: She went –

8 MS. ALLEN: -- that went to counseling?

9 PROSPECTIVE JUROR #020: No. She told a camp, I guess like a camp
10 counselor she went to. But I don't know that she actually went to a counseling for it.

11 MS. ALLEN: Okay. All right. So you don't know if she actually did
12 counseling?

13 PROSPECTIVE JUROR #020: I don't believe she did, but I don't know for
14 sure.

15 MS. ALLEN: Okay. All right. How do you think you would be at judging
16 people testifying, whether they're children, adults, anybody? How do you think that
17 you – what would make you good at judging someone on the stand, let me ask you
18 that.

19 PROSPECTIVE JUROR #020: I'd listen to what they have to say and try to
20 be objective.

21 MS. ALLEN: Okay. All right. Does the – do the allegations, do you believe
22 that's going to sway your judgment in any way?

23 PROSPECTIVE JUROR #020: I don't think so.

24 MS. ALLEN: Is there a possibility it could?

25 PROSPECTIVE JUROR #020: I was kind of shocked at the allegations, I'll

1 say that, but I don't believe it would sway me one way or the other. I'd like to hear
2 the whole story first.

3 MS. ALLEN: Were you somewhat like some of the other jurors that when you
4 heard sexual that just stuck? Is that the one –

5 PROSPECTIVE JUROR #020: It did stick yes.

6 MS. ALLEN: That was the one that stuck with you?

7 PROSPECTIVE JUROR #020: Yes.

8 MS. ALLEN: Okay. You don't necessarily remember much of the other
9 ones?

10 PROSPECTIVE JUROR #020: No.

11 MS. ALLEN: Okay. All right. It's jarring –

12 PROSPECTIVE JUROR #020: Yes.

13 MS. ALLEN: -- is that easy or is that a fair assessment?

14 PROSPECTIVE JUROR #020: Yes, I would say.

15 MS. ALLEN: Is it more so because there's a child or there could be children
16 or child involved?

17 PROSPECTIVE JUROR #020: I think it would be kind of shocking no matter
18 what, but that is bothersome, yes.

19 MS. ALLEN: Okay. Is it bothersome – why is it bothersome, let me ask you
20 that? Why is that bothersome to you?

21 PROSPECTIVE JUROR #020: Because children can be trusting.

22 MS. ALLEN: Okay. Okay. Does that then preclude the idea that they
23 couldn't – that a child couldn't make this up?

24 PROSPECTIVE JUROR #020: Oh, no, they could, they could make it up.

25 MS. ALLEN: Do you think it's something that could be easily made up?

1 PROSPECTIVE JUROR #020: I'm not sure how easily –
2 MS. ALLEN: Okay.
3 PROSPECTIVE JUROR #020: -- but it could be made up.
4 MS. ALLEN: All right. Do you – is it something where the testimony is
5 enough or are you the kind of person that would expect some sort of corroboration?
6 Some sort of extra proof that it happened?
7 PROSPECTIVE JUROR #020: I don't think I'd require extra proof.
8 MS. ALLEN: Okay. The testimony is enough?
9 PROSPECTIVE JUROR #020: Yes.
10 MS. ALLEN: Okay. And you believe you're a good judge of – just generally in
11 people? You're a good judge of people. You can tell if they're truthful or not
12 truthful?
13 PROSPECTIVE JUROR #020: I think so, yeah. I feel like I am.
14 MS. ALLEN: Okay. Thank you very much.
15 PROSPECTIVE JUROR #020: Sure.
16 MS. ALLEN: Let's see, Ms. Mandel.
17 PROSPECTIVE JUROR #041: Yes.
18 MS. ALLEN: How are you?
19 PROSPECTIVE JUROR #041: Well.
20 MS. ALLEN: So I remember distinctly that you were the one who said it, so
21 I'm coming right back to you for it.
22 PROSPECTIVE JUROR #041: Sure.
23 MS. ALLEN: And that was the conversation about sex and the privacy of sex.
24 PROSPECTIVE JUROR #041: Um-huh.
25 MS. ALLEN: You were the one who, I believe, posited the idea that it was a

1 very private thing?

2 PROSPECTIVE JUROR #041: I said at least – I cannot quote what I said
3 yesterday –

4 MS. ALLEN: I understand.

5 PROSPECTIVE JUROR #041: -- 'cause it was yesterday after a long day, but
6 certainly I felt that intimacy in a public – speaking upon intimacy or intimate relations
7 in a public forum would be, I would think, most difficult for a child or for an adult.

8 MS. ALLEN: Okay. Does that change, based upon some of the things that I
9 discussed with other jurors? The idea that that is something you learn at home?

10 PROSPECTIVE JUROR #041: Certainly, more people – we've also
11 discussed how everybody is different, you know.

12 MS. ALLEN: Right.

13 PROSPECTIVE JUROR #041: I'm a different than a Smith or anybody else
14 that's sitting in the courtroom and so we – perhaps, what seems very private and
15 personal to me, absolutely might not be the same to another individual.

16 MS. ALLEN: Okay. And does – do you believe that that changes – well,
17 going back to the idea of the modesty in children.

18 PROSPECTIVE JUROR #041: Um-huh.

19 MS. ALLEN: And do you recall that you were taught modesty by your parents
20 and by your family?

21 PROSPECTIVE JUROR #041: It's a funny question to answer.

22 MS. ALLEN: I know.

23 PROSPECTIVE JUROR #041: I mean I could – again, I don't believe in a lot
24 of excuses in terms of blaming society or blaming the media. Growing up in Las
25 Vegas, there's many of us in this room that did, so –

1 MS. ALLEN: Definitely.

2 PROSPECTIVE JUROR #041: -- you can't say growing up in Las Vegas
3 created a certain atmosphere. But my family was in show biz, so modesty, you
4 know, running around without a top as a child I'm sure was the norm. But maybe
5 that's the norm in Ohio. I don't know. I can say, certainly, that I went to school with
6 clothes on, so –

7 MS. ALLEN: That's good.

8 PROSPECTIVE JUROR #041: -- if that's a part of modesty, then, yes,
9 modesty in Las Vegas exists. And – but I also – yeah, I guess it's taught. But I think
10 it – you also come hardwired a certain way and recognize that that is where you also
11 feel most comfortable. You know, I –

12 MS. ALLEN: Okay. So when you say hardwired –

13 PROSPECTIVE JUROR #041: Um-huh.

14 MS. ALLEN: -- do you mean that modesty is something that clicks at a certain
15 age?

16 PROSPECTIVE JUROR #041: I do believe so. I think as we change as
17 women and men that, yes, you become – your level of modesty changes.

18 MS. ALLEN: Okay. And then would you then sort of transposing that onto the
19 idea that the intimacy, the sexual intimacy –

20 PROSPECTIVE JUROR #041: Um-huh.

21 MS. ALLEN: -- and how that's a private thing. But you do believe that that
22 also is the same way, that we're hardwired in that say way?

23 PROSPECTIVE JUROR #041: No, I do not.

24 MS. ALLEN: You don't?

25 PROSPECTIVE JUROR #041: I don't.

1 MS. ALLEN: Okay. Can you explain that?

2 PROSPECTIVE JUROR #041: Well I'm not -- well, I'm not an expert in
3 psychology --

4 MS. ALLEN: Okay. That's okay.

5 PROSPECTIVE JUROR #041: -- or sociology.

6 MS. ALLEN: You don't have to be for the purposes of this discussion.

7 PROSPECTIVE JUROR #041: Well, good. So, you know, I do, I think there
8 is a difference. I think you might be an individual that perhaps enjoys sex.

9 MS. ALLEN: Okay.

10 PROSPECTIVE JUROR #041: But you still may be a modest individual. You
11 may live conservatively.

12 MS. ALLEN: Okay. Does that change, like speaking about it, just generally
13 whether it's to your mom or to your counselor or to a room full of people? Does -- is
14 -- does that change that do you think?

15 PROSPECTIVE JUROR #041: I couldn't answer honestly right now one way
16 or the other, black or white.

17 MS. ALLEN: Okay. All right. Does -- did the allegations bother you?
18 Meaning --

19 PROSPECTIVE JUROR #041: They do.

20 MS. ALLEN: Okay. Tell -- is it just because it's a sexual assault and it's
21 generally a crime or is it because it's potentially or the allegations are against
22 children? What is it that bothers you about it?

23 PROSPECTIVE JUROR #041: Well, I think that any of the abuse charges
24 that were mentioned, it wasn't just sexual abuse; there were several different
25 abuses. There was forced prostitution. There was multiple things that just on an

1 everyday person that gets up, goes to the grocery store, does things that that's a lot
2 to take in –

3 MS. ALLEN: Okay.

4 PROSPECTIVE JUROR #041: -- so, yes, that bothers me.

5 MS. ALLEN: Okay. So coming from a perspective where you don't deal with
6 this on a daily basis, that was shocking to you?

7 PROSPECTIVE JUROR #041: Sure.

8 MS. ALLEN: Okay.

9 PROSPECTIVE JUROR #041: And shocking that I would perhaps be dealing
10 with it for the next two weeks.

11 MS. ALLEN: Do you think you're the appropriate person to sit on the jury then
12 for that reason?

13 PROSPECTIVE JUROR #041: I definitely think I'm qualified. I have an open
14 heart, an open mind and with experience as an adjudicator and different forms of
15 competition, whether it's dance or scholastics, that my ability to I guess assess an
16 individual in terms of honesty or dishonesty I think is very real; I'm capable of doing
17 that. So my – a person on a panel, part of a panel, yes, I could be. Does it mean
18 that – and I know I could be open-minded. But, to be honest, there is discomfort in
19 the nature of the – the topics of this trial.

20 MS. ALLEN: Okay. And would you just generally agree that comes along
21 with the idea of discussing sex in public? Anytime you're going to have to say –

22 PROSPECTIVE JUROR #041: No.

23 MS. ALLEN: No? Okay.

24 PROSPECTIVE JUROR #041: No, I don't think it's specific to sex in public.
25 No, I think it's –

1 MS. ALLEN: No, I don't mean having sex in public, I just mean –
2 PROSPECTIVE JUROR #041: Oh, come on.
3 MS. ALLEN: -- discussing sex in public.
4 PROSPECTIVE JUROR #041: No. Either way, no. But I think the idea of
5 abuse from one person to another –
6 MS. ALLEN: Okay.
7 PROSPECTIVE JUROR #041: -- is a difficult topic.
8 MS. ALLEN: Okay. And do you think that in the realm of possibilities these
9 things can be fabricated?
10 PROSPECTIVE JUROR #041: Yes.
11 MS. ALLEN: Okay. You believe that there are children who can fabricate
12 these allegations?
13 PROSPECTIVE JUROR #041: I do. I don't – as I don't want to believe it –
14 MS. ALLEN: Okay.
15 PROSPECTIVE JUROR #041: -- I logically believe, yes, it can happen.
16 MS. ALLEN: Okay. You don't want to believe it 'cause you would never want
17 to think a child could ever do that, right?
18 PROSPECTIVE JUROR #041: I wouldn't want to think anybody could ever
19 do it, but people do it.
20 MS. ALLEN: Okay. And would you agree then that there's motivations
21 behind the actions that people take, good, bad, indifferent?
22 PROSPECTIVE JUROR #041: Certainly, a desired outcome, of course.
23 MS. ALLEN: Okay. And so if you're looking for a certain outcome, you're,
24 you know, you're going to take route A, as opposed to B and –
25 PROSPECTIVE JUROR #041: You make a choice.

1 MS. ALLEN: Okay. You make your choices, okay.

2 How am I doing on time?

3 THE COURT: You're fine.

4 MS. ALLEN: Am I? Okay.

5 THE COURT: Yeah. Go ahead.

6 MS. ALLEN: Thank you.

7 What about – there was some questions about, you know would you
8 hold it against someone if they had performed sex for money. Would you ever hold
9 that against them?

10 PROSPECTIVE JUROR #041: No. We live in a capitalistic society. We gotta
11 do what we gotta do and if that's where someone has found their best way to
12 survive, no.

13 MS. ALLEN: So be it.

14 PROSPECTIVE JUROR #041: Yeah, so be it.

15 MS. ALLEN: Right. It's – some people refer to it I guess as sort of a
16 victimless crime, would that be your assessment of it?

17 PROSPECTIVE JUROR #041: It can be an assessment of it, sure.

18 MS. ALLEN: Okay. And I think I said somewhere or to someone that it was –
19 it's legal in all but what, two counties, I think in Nevada?

20 PROSPECTIVE JUROR #041: In Nevada, sure.

21 MS. ALLEN: Okay. And certainly that person doesn't deserve to be
22 assaulted or beaten or –

23 PROSPECTIVE JUROR #041: No.

24 MS. ALLEN: -- the victim of a crime in anyway?

25 PROSPECTIVE JUROR #041: No.

1 MS. ALLEN: Okay. Same with bad choices, is that correct? Someone who
2 makes bad choices, they don't deserve to be a victim?

3 PROSPECTIVE JUROR #041: No.

4 MS. ALLEN: Okay. And you wouldn't look at them any differently for some-
5 thing like that?

6 PROSPECTIVE JUROR #041: No.

7 MS. ALLEN: Okay. What about if the crime was against their own child?
8 What if this person who committed a crime against their own child, would you look at
9 them differently?

10 PROSPECTIVE JUROR #041: I do believe that in every situation you always
11 hope that someone is the adult in the situation.

12 MS. ALLEN: Okay.

13 PROSPECTIVE JUROR #041: And it's difficult to think, not being a parent
14 myself, with many friends that are parents, it would be difficult to think that a parent
15 would take advantage of their child, but it's not out of the realm of possibility.

16 MS. ALLEN: And use their children for whatever they could get? Is that – you
17 said that use – I think use their child, that they would use their child?

18 PROSPECTIVE JUROR #041: Uh-huh.

19 MS. ALLEN: Okay. So it's not out of the realm of possibilities that a parent
20 would use their child –

21 PROSPECTIVE JUROR #041: Right.

22 MS. ALLEN: -- for anything that they could get?

23 PROSPECTIVE JUROR #041: No. As we said earlier, anything is possible.

24 MS. ALLEN: Anything is possible. Okay. Okay. Do you think that you would
25 automatically believe a child versus an adult specific to the allegations here?

1 PROSPECTIVE JUROR #041: No. I mean I'm hoping to believe everybody,
2 they've been put under – had been sworn to tell the truth, so with that –

3 MS. ALLEN: Do you think that that – that you say they're sworn to tell the
4 truth, so do you think if they do lie like a light goes off or some – I mean you
5 understand –

6 PROSPECTIVE JUROR #041: Right.

7 MS. ALLEN: -- that it's a judgment call on your part.

8 PROSPECTIVE JUROR #041: Absolutely, I do. That goes back to my ability
9 to assess. But there is a part of me that wants to believe, the – maybe the child in
10 me wants to believe that the truth is being told, because you've been asked and
11 sworn to tell it.

12 MS. ALLEN: Okay. All right. I appreciate your answers.

13 PROSPECTIVE JUROR #041: Sure.

14 MS. ALLEN: Thank you.

15 Let's see. Let me go back to Mr. Lambert. How are you?

16 PROSPECTIVE JUROR #025: Good.

17 MS. ALLEN: How were you about getting your jury summons? Were you
18 excited?

19 PROSPECTIVE JUROR #025: How was I about it?

20 MS. ALLEN: Yeah, were you excited?

21 PROSPECTIVE JUROR #025: Not generally excited. I mean I do lead kind
22 of a busy life and I got a lot of things going on, but I didn't disregard it either. I mean
23 I have no problem –

24 MS. ALLEN: Okay.

25 PROSPECTIVE JUROR #025: -- with serving.

1 MS. ALLEN: Okay. So not at the top of your list of priorities, like your bucket
2 list?

3 PROSPECTIVE JUROR #025: No, not necessarily.

4 MS. ALLEN: Okay. All right. Do you feel like just in the couple of days
5 you've been here it's been somewhat educational?

6 PROSPECTIVE JUROR #025: It's – I've expected everything that's gone on
7 so far?

8 MS. ALLEN: Really?

9 PROSPECTIVE JUROR #025: Pretty much.

10 MS. ALLEN: That's a new one. Okay. What –

11 PROSPECTIVE JUROR #025: It's drawn on a little longer than I expected.

12 MS. ALLEN: Okay. I understand.

13 PROSPECTIVE JUROR #025: The questioning is taken a lot longer than I
14 expected.

15 MS. ALLEN: I'll concede that.

16 PROSPECTIVE JUROR #025: But, you know, I've been summonsed a
17 couple of times but I've never actually served, so I kind of have seen the process
18 and been in a courtroom –

19 MS. ALLEN: Oh.

20 PROSPECTIVE JUROR #025: -- for, you know –

21 MS. ALLEN: Okay. So you've actually come in and been questioned before
22 but they –

23 PROSPECTIVE JUROR #025: No, not questioned. I've gone into the waiting
24 room and that's as far as I've gotten. But I've talked to other people that have and –

25 MS. ALLEN: Okay.

1 PROSPECTIVE JUROR #025: -- just like knowledge from being a resident.
2 MS. ALLEN: You never – so you never actually got to this point?
3 PROSPECTIVE JUROR #025: Not to this point, no.
4 MS. ALLEN: All right. So I guess some of the same – it's some of the same
5 question is different; but what do you think about the burden of proof? Is it
6 bothersome that the defense has no burden in this case?
7 PROSPECTIVE JUROR #025: It's not bothersome, no.
8 MS. ALLEN: Okay. Do you – I mean do you hold it against Mr. Harris if we
9 don't do anything?
10 PROSPECTIVE JUROR #025: No.
11 MS. ALLEN: Okay. At the end of the day you understand if they don't prove
12 their case, Mr. Harris is not guilty; no matter what you think of him or anybody else
13 in this case?
14 PROSPECTIVE JUROR #025: I understand that.
15 MS. ALLEN: Okay. All right. And that doesn't bother you?
16 PROSPECTIVE JUROR #025: No.
17 MS. ALLEN: Okay. Do you have children? I apologize my –
18 PROSPECTIVE JUROR #025: Yes, I have three.
19 MS. ALLEN: You have three kids.
20 PROSPECTIVE JUROR #025: Yeah.
21 MS. ALLEN: Are they grown, younger?
22 PROSPECTIVE JUROR #025: I have two sons that go to college right now
23 and I have a daughter that's in high school.
24 MS. ALLEN: Oh, okay. So the daughter is the baby?
25 PROSPECTIVE JUROR #025: Yes.

1 MS. ALLEN: All right. Do you, like some of the other parents you see, your
2 children, they can be manipulative, do you see that?

3 PROSPECTIVE JUROR #025: Absolutely.

4 MS. ALLEN: And do you see it more from the girl from the boy?

5 PROSPECTIVE JUROR #025: Um –

6 MS. ALLEN: Boys, I should say.

7 PROSPECTIVE JUROR #025: All three of my children are different.

8 MS. ALLEN: Okay. They all are different, so.

9 PROSPECTIVE JUROR #025: But, yeah, she's – she kind of plays things a
10 little bit more than the others.

11 MS. ALLEN: Okay.

12 PROSPECTIVE JUROR #025: I've got one that's really quiet and kind of
13 keeps to himself. And one that's just very outgoing and has gone through a lot of
14 leadership things, so.

15 MS. ALLEN: Okay.

16 PROSPECTIVE JUROR #025: So they're all different.

17 MS. ALLEN: All right. Are they – you said two are in college, is that correct?

18 PROSPECTIVE JUROR #025: Correct.

19 MS. ALLEN: Are the three fairly close in age?

20 PROSPECTIVE JUROR #025: Fairly, 21 to 15.

21 MS. ALLEN: So they did grow up together?

22 PROSPECTIVE JUROR #025: Yes.

23 MS. ALLEN: Okay. Did you see amongst the three of them like the older one
24 getting the younger one to do things or vice-a-versa even?

25 PROSPECTIVE JUROR #025: Yes, I've seen that.

1 MS. ALLEN: Okay. Sort of an – I'm characterizing it as peer pressure but I
2 think we always seen it as external, sort of an internal peer pressure.

3 PROSPECTIVE JUROR #025: Right.

4 MS. ALLEN: Getting one to do the other and –

5 PROSPECTIVE JUROR #025: Yeah.

6 MS. ALLEN: So one doesn't get in trouble or someone gets something out of
7 it?

8 PROSPECTIVE JUROR #025: Right.

9 MS. ALLEN: Okay. And then playing the parents against each other or
10 whatever it is, is that correct?

11 PROSPECTIVE JUROR #025: They're children.

12 MS. ALLEN: Yes, they are. Do you think that children could have the ability
13 to make up some – like the allegations in this case or anything; that they saw a
14 spaceship land? I mean do you think children have the ability to fabricate things?

15 PROSPECTIVE JUROR #025: Yes.

16 MS. ALLEN: Excuse me. Do you find it harder to believe that a child would
17 fabricate allegations like are the ones here?

18 PROSPECTIVE JUROR #025: I think it's less likely, but I mean I think there's
19 a lot of other things that kids would exaggerate about or make up or whatever, but I
20 know that it's very possible. Yes.

21 MS. ALLEN: Okay. So you think it's less likely that a child would lie about
22 something like that?

23 PROSPECTIVE JUROR #025: No, I said that I think –

24 MS. ALLEN: Sorry. If I'm misquoting you, tell me.

25 PROSPECTIVE JUROR #025: I think – yeah, I think it is more likely that they

1 would not make up something like this. I don't think that they – this is – there's a lot
2 of things that child could make up, I don't think this is one that would be the top of
3 the list of the things to make up.

4 MS. ALLEN: Okay. All right. And when you're referring to a child, you're
5 saying something like – are you saying a 17½ –year-old, 18-year-old or do you
6 mean someone who is like 11, 12, 10, 5 even?

7 PROSPECTIVE JUROR #025: I'm not exactly sure how to answer that. I
8 think that it – you know, the maturity level is going to vary, based on – and the age
9 can have a lot to do with that. So when I say a child, yeah, generally I'm thinking of
10 somebody that's still in school. You know, a teenager is still a child in a lot of ways.
11 Although they are more experienced and they are more mature than when they were
12 10 years old.

13 MS. ALLEN: Okay. And do you agree that children, whether it's 18 or 17½,
14 down, that they have different priorities than we do as adults?

15 PROSPECTIVE JUROR #025: Yes.

16 MS. ALLEN: We have mortgages or car payments or whatever the case may
17 be.

18 PROSPECTIVE JUROR #025: Absolutely.

19 MS. ALLEN: And they have – they want to be with their friends or they want
20 to go to the party or whatever the case is with a child – a 12-year-old or 15-year-old.
21 And those priorities are different, isn't that correct?

22 PROSPECTIVE JUROR #025: Correct.

23 MS. ALLEN: Do you think that they treat them a little differently than we do?

24 PROSPECTIVE JUROR #025: Each other?

25 MS. ALLEN: No, their priorities. Do –

1 PROSPECTIVE JUROR #025: Oh, their priorities differently?

2 MS. ALLEN: Yeah. Sorry.

3 PROSPECTIVE JUROR #025: Yes, they do. I mean obviously, you know,
4 what we view as important is not always the same thing as what a younger person is
5 going to view as being important. And their priority list is going to vary.

6 MS. ALLEN: Okay. And would you agree that they – the consequences for
7 their actions are not necessarily readily accessible to them?

8 PROSPECTIVE JUROR #025: It's not the first thing they're thinking about all
9 the time.

10 MS. ALLEN: Okay. So they're, like, how to get to the party Friday night and if
11 – let's lie to mom, get the car and go. They're not thinking of the consequences of
12 what's going to happen if they get caught necessarily. It's not, like, foremost thing?

13 PROSPECTIVE JUROR #025: Yeah, it depends on the – it – again, it
14 depends on the child –

15 MS. ALLEN: Right.

16 PROSPECTIVE JUROR #025: -- and the circumstances and stuff. I think
17 that, yeah, it would be very possible for, you know, getting in trouble would be not
18 the number one priority. They're worried about what they want to accomplish, so.
19 And I think, you know, as they get older, as people get older and you realize
20 consequences for actions, then sometimes, you know, you're going to be more
21 concerned about that.

22 MS. ALLEN: Okay. Do you think children can be easily led, either way?
23 Whether it's – I mean for good or for bad, do you think children can be easily led and
24 convinced to do things?

25 PROSPECTIVE JUROR #025: It's – in some circumstances, yes. I mean I –

1 everybody is different. Everybody grows up in a different situation. Everybody has
2 different values. I think that's just kind of a gray question.

3 MS. ALLEN: Okay. Well, fair enough. If I'm asking a bad question, please
4 feel free to tell me. You would not be the first. Okay. I would thank you very much
5 for your time.

6 Let's go to Ms. St. Clair. How are you?

7 PROSPECTIVE JUROR #014: Peachy.

8 MS. ALLEN: Peachy. Day number two. You excited about this? Less
9 excited?

10 PROSPECTIVE JUROR #014: Kind of mixed.

11 MS. ALLEN: Less excited than you were yesterday?

12 PROSPECTIVE JUROR #014: No, more excited today than yesterday.

13 MS. ALLEN: Do you like the prospect of sitting on this jury?

14 PROSPECTIVE JUROR #014: Yeah, it's very enlightening.

15 MS. ALLEN: Okay. And why do you say that?

16 PROSPECTIVE JUROR #014: It's a new experience.

17 MS. ALLEN: Okay. You just – just something you just never done before?

18 PROSPECTIVE JUROR #014: Yeah, I've never done it before.

19 MS. ALLEN: Okay.

20 PROSPECTIVE JUROR #014: Something new.

21 MS. ALLEN: Are you – like I've asked some of the other jurors, are you con-
22 cerned with regard to the charges in this case? Does that bother you?

23 PROSPECTIVE JUROR #014: I'm not sure how I can deal with it, if I can.
24 But I'm willing to do it.

25 MS. ALLEN: Okay. Are you saying that there's a possibility that emotionally

1 you couldn't handle this or –

2 PROSPECTIVE JUROR #014: Might see some tears or something like that,
3 you know, it –

4 MS. ALLEN: Okay. That's fair enough. You have –

5 PROSPECTIVE JUROR #014: I love kids, you know it.

6 MS. ALLEN: Pardon?

7 PROSPECTIVE JUROR #014: I love my kids and it's –

8 MS. ALLEN: Right. Understandable. You actually – I think you said some-
9 thing you've been working with CPS previously, is that right?

10 PROSPECTIVE JUROR #014: I had my nephew put in my care for six
11 months.

12 MS. ALLEN: Okay. So you've had some dealing with CPS is that right?

13 PROSPECTIVE JUROR #014: Yes.

14 MS. ALLEN: In your opinion do they generally do a good job?

15 PROSPECTIVE JUROR #014: They do their best.

16 MS. ALLEN: All right. Probably overworked?

17 PROSPECTIVE JUROR #014: Very.

18 MS. ALLEN: Okay. And a lot of cases, so – but you believe that they do their
19 best?

20 PROSPECTIVE JUROR #014: Yes.

21 MS. ALLEN: Okay. What about the police department, do you feel the same
22 way? Do you think that they do their best as well?

23 PROSPECTIVE JUROR #014: They're very overworked.

24 MS. ALLEN: Okay. So you would agree that they're overworked as well.

25 PROSPECTIVE JUROR #014: Very.

1 MS. ALLEN: Okay. Do you think it's possible for a police officer to make a
2 mistake?

3 PROSPECTIVE JUROR #014: Yes.

4 MS. ALLEN: CPS worker to make a mistake?

5 PROSPECTIVE JUROR #014: Yes.

6 MS. ALLEN: Okay. Would you agree that sometimes the police department
7 or police officer or CPS worker is only given a certain set of facts to work with?
8 Maybe finding things out later, but they're given a certain set of facts to work with
9 and they can make assumptions or decisions based upon those and it could be a
10 mistake. You understand what I'm saying?

11 PROSPECTIVE JUROR #014: Yeah.

12 MS. ALLEN: Would you agree with that?

13 PROSPECTIVE JUROR #014: Yeah.

14 MS. ALLEN: Okay. What about this idea of judging children while they're
15 testifying about some very difficult things to hear. Is that something that you feel
16 you would be good at or that you could do?

17 PROSPECTIVE JUROR #014: I'm a little confused about the question.

18 MS. ALLEN: So you've heard the allegations. And so expecting that there
19 could be children come in and talk about some very difficult subjects, are you the
20 right person to sit in judgment of their truthfulness, what they're doing; how they're
21 behaving on the stand, their demeanor?

22 PROSPECTIVE JUROR #014: I think I could do a pretty good job at that.

23 MS. ALLEN: Okay. And can you take what they're saying in conjunction with
24 their demeanor and all of those other things and make a fair assessment or is it
25 going to be what they're saying that would – do you think it would overpower you?

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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

~~~~~  
APPELLANT'S APPENDIX TO THE OPENING BRIEF  
VOLUME X  
~~~~~

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OPENING BRIEF APPENDIX

<u>VOLUME</u>	<u>PLEADING</u>	<u>PAGE NO</u>
1	AMENDED CRIMINAL COMPLAINT (FILED 04/29/2013)	09-21
7	CASE APPEAL STATEMENT (FILED 10/27/2015)	851-853
24	COURT MINUTES	3350-3431
1	CRIMINAL COMPLAINT (FILED 02/22/2013)	01-08
7	DEFENDANT'S MOTION FOR A NEW TRIAL (FILED 04/28/2014)	816-822
7	DEFENDANT'S REPLY TO STATE'S RESPONSE TO MOTION FOR A NEW TRIAL AND SUPPLEMENT TO DEFENDANT'S MOTION FOR A NEW TRIAL (FILED 07/09/2014)	830-842
7	INFORMATION (FILED 07/23/2013)	854-868
8	INSTRUCTIONS TO THE JURY (FILED 04/11/2014)	882-935
7	JUDGMENT OF CONVICTION (FILED 11/02/2015)	843-848
7	NOTICE OF APPEAL (FILED 10/27/2015)	849-850
8	RECORDER'S TRANSCRIPT RE: SENTENCING OCTOBER 27, 2015 (FILED 12/30/2015)	983-994

1	8	RECORDER'S TRANSCRIPT RE: EVIDENTIARY HEARING DEFENDANT'S MOTION FOR A NEW TRIAL FEBRUARY 17, 2015 (FILED 12/30/2015)	995-998
2			
3	8	RECORDER'S TRANSCRIPT RE: EVIDENTIARY HEARING DEFENDANT'S MOTION FOR A NEW TRIAL JANUARY 5, 2015 (FILED 12/30/2015)	999-1012
4			
5			
6	9	RECORDER'S TRANSCRIPT OF PROCEEDINGS JURY TRIAL DAY 1 (FILED 12/30/2015)	1013-1197
7			
8	10	RECORDER'S TRANSCRIPT OF PROCEEDINGS JURY TRIAL DAY 2 MARCH 26, 2014 (FILED 12/30/2015)	1198-1445
9			
10	11	RECORDER'S TRANSCRIPT OF PROCEEDINGS JURY TRIAL DAY 3 MARCH 27, 2014 (FILED 12/30/2015)	1446-1621
11			
12	12	RECORDER'S TRANSCRIPT OF PROCEEDINGS JURY TRIAL DAY 4 MARCH 31, 2014 (FILED 12/30/2015)	1622-1768
13			
14	13	RECORDER'S TRANSCRIPT OF PROCEEDINGS JURY TRIAL DAY 5 APRIL 1, 2014 (FILED 12/30/2015)	1769-1936
15			
16	14	RECORDER'S TRANSCRIPT OF PROCEEDINGS JURY TRIAL DAY 6 APRIL 2, 2014 (FILED 12/30/2015)	1937-2138
17			
18	15	RECORDER'S TRANSCRIPT OF PROCEEDINGS JURY TRIAL DAY 7 APRIL 3, 2014 (FILED 12/30/2015)	2139-2321
19			
20	16	RECORDER'S TRANSCRIPT OF PROCEEDINGS JURY TRIAL DAY 8 APRIL 4, 2014 (FILED 12/30/2015)	2322-2575
21			
22	17	RECORDER'S TRANSCRIPT OF PROCEEDINGS JURY TRIAL DAY 9 APRIL 7, 2014 (FILED 12/30/2015)	2576-2766
23			
24	18	RECORDER'S TRANSCRIPT OF PROCEEDINGS JURY TRIAL DAY 10 APRIL 9, 2014 (FILED 12/30/2015)	2767-2943
25			
26	19	RECORDER'S TRANSCRIPT OF PROCEEDINGS JURY TRIAL DAY 11 APRIL 10, 2014 (FILED 12/30/2015)	2944-3123
27			
28	20	RECORDER'S TRANSCRIPT OF PROCEEDINGS JURY TRIAL DAY 12 APRIL 11, 2014 (FILED 12/30/2015)	3124-3255

1	21	RECORDER'S TRANSCRIPT OF PROCEEDINGS JURY TRIAL DAY 12 APRIL 15, 2014 (FILED 12/30/2015)	3266-3268
2			
3	22	RECORDER'S TRANSCRIPT RE: EVIDENTIARY HEARING DEFENDANT'S MOTION FOR NEW TRIAL (12/30/2015)	3269-3289
4			
5	23	RECORDER'S TRANSCRIPT OF PROCEEDINGS RE: EVIDENTIARY HEARING DEFENDANT'S MOTION FOR NEW TRIAL (12/30/2015)	3290-3349
6			
7	7	REPORTER'S TRANSCRIPT OF BINDOVER (FILED 08/08/2013)	787-815
8			
9	1	REPORTER'S TRANSCRIPT OF EXCERPT OF PROCEEDINGS	22-31
10	1	REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING	32-79
11	2	REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING JUNE 20, 2013	80-93
12	3	REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING APRIL 29, 2013	108-366
13			
14	4	REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING MAY 7, 2013	367-542
15	5	REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING JUNE 13, 2013 (FILED 07/31/2013)	543-653
16			
17	6	REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING JUNE 11, 2013 (FILED 07/31/2013)	654-786
18			
19	2	SECOND AMENDED CRIMINAL COMPLAINT (FILED 07/19/2013)	94-107
20			
21	8	STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR A NEW TRIAL (FILED 06/13/2014)	954-967
22			
23	8	VERDICT (FILED 04/15/2014)	936-946
24			
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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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