IN THE SUPREME COURT OF THE STATE OF NEVADA

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FREDERICK H. HARRIS, JR.,	)	
# 1149356,	)	CASE NO.: **81257, 81255**
Appellant,	)	**E-FILE**
	)	D.C. Case No.: **A-18-784704-W**
vs.	)	**C-13-291374-1**
	)	Dept.: **XII**
STATE OF NEVADA,	)	
	)	
Respondent.	)	
	)	

APPELLANT'S APPENDIX VOLUME II

Appeal from a Denial of Post Conviction Relief
Eighth Judicial District Court, Clark County, Nevada

TERRENCE M. JACKSON, ESQ.
Nevada Bar No. 000854
Law Office of Terrence M. Jackson
624 South 9th Street
Las Vegas, Nevada 89101
(702) 386-0001
terry.jackson.esq@gmail.com

Counsel for Appellant

STEVEN B. WOLFSON
Nevada Bar No. 001565
Clark County District Attorney
200 E. Lewis Avenue
Las Vegas, Nevada 89155
(702) 671-2750
steven.wolfson@clarkcountyda.com

AARON D. FORD
Nevada Bar No. 007704
Nevada Attorney General
100 North Carson Street
Carson City, Nevada 89701

Counsel for Respondent

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CERTIFICATE OF SERVICE

I hereby certify that I am an assistant to Terrence M. Jackson, Esquire, am a person competent to serve papers and not a party to the above-entitled action and on the 29th day of October, 2020, I served copy of the foregoing: Appellant, Frederick H. Harris', Opening Brief as well as Volumes I through XI of the Appendix, as follows:

[X] Via Electronic Service to the Nevada Supreme Court, to the Eighth Judicial District Court, and to the Nevada Attorney General by U.S. mail with first class postage affixed to the Petitioner/Appellant as follows:

STEVEN B. WOLFSON
Clark County District Attorney
Steven.Wolfson@clarkcountyda.com

AARON D. FORD
Nevada Attorney General
100 North Carson Street
Carson City, NV 89701

JAMES R. SWEETIN
Chief Deputy D. A. - Criminal
james.sweetin@clarkcountyda.com

FREDERICK H. HARRIS, JR.
ID # 1149356
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

By: */s/ Ila C. Wills*
Assistant to Terrence M. Jackson, Esq.

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

PROSPECTIVE JUROR #044: It's pretty public.

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

PROSPECTIVE JUROR #044: Repeated incest from her father.

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

PROSPECTIVE JUROR #044: Um-hm.

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

PROSPECTIVE JUROR #044: Possibly.

THE COURT: Possibly. Okay.

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

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

PROSPECTIVE JUROR #044: Um-hm.

THE COURT: Okay. When was this disclosure made?

PROSPECTIVE JUROR #044: About ten years ago.

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

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

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

and impartial to these parties?

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

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

PROSPECTIVE JUROR #044: I know.

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

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

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

PROSPECTIVE JUROR #044: I do.

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

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

THE COURT: Okay.

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

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

PROSPECTIVE JUROR #044: Well the Defendant.

THE COURT: Okay. Because of the allegations?

PROSPECTIVE JUROR #044: Mm-hmm.

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

able to be fair?

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

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

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

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

MS. ALLEN: No, Your Honor.

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

PROSPECTIVE JUROR #044: Mm-hmm.

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

PROSPECTIVE JUROR #044: I'm sorry.

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

PROSPECTIVE JUROR #044: Okay.

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

PROSPECTIVE JUROR #044: Okay.

THE COURT: You okay with that?

PROSPECTIVE JUROR #044: I'm sorry.

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

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

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

your seat?

PROSPECTIVE JUROR #044: Mm-hmm.

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

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

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

MS. ALLEN: It happens all the time now.

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

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

THE COURT: They don't hate you.

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

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

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

THE COURT: I'll tell 'em again.

MS. ALLEN: Thank you.

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

MS. ALLEN: Yeah.

THE COURT: -- excuse Ms. Hayes.

[Bench conference -- concludes]

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

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

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

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

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

[Inside the presence of the prospective jury panel]

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

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

PROSPECTIVE JUROR #079: Two years.

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

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

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

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

PROSPECTIVE JUROR #079: Masters in microbiology.

THE COURT: Masters.

PROSPECTIVE JUROR #079: Yes.

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

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

THE COURT: Your marital status.

PROSPECTIVE JUROR #079: Married.

THE COURT: Is your husband employed?

PROSPECTIVE JUROR #079: Yes.

THE COURT: What does he do?

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

THE COURT: Do you have any children?

PROSPECTIVE JUROR #079: Yes.

THE COURT: How many?

PROSPECTIVE JUROR #079: Two.

THE COURT: Are they old enough to be employed?

PROSPECTIVE JUROR #079: No.

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

PROSPECTIVE JUROR #079: No.

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

PROSPECTIVE JUROR #079: No.

THE COURT: Thank you.

PROSPECTIVE JUROR #079: You're welcome.

THE COURT: Thank you for being here.

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

PROSPECTIVE JUROR #053: Millie Hiatt, number 63.

THE COURT: Okay. Go ahead.

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

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

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

THE COURT: Okay.

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

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

PROSPECTIVE JUROR #053: No.

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

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

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

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

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

PROSPECTIVE JUROR #046: Yeah.

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

PROSPECTIVE JUROR #046: Yes.

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

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

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

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

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

PROSPECTIVE JUROR #046: Mm-hmm.

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

PROSPECTIVE JUROR #046: No.

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

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

PROSPECTIVE JUROR #037: Yvonne Lewis, number 37.

THE COURT: Go ahead, Ms. Lewis.

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

THE COURT: Okay. When did that happen?

PROSPECTIVE JUROR #037: When I was 17.

THE COURT: So, you were a minor?

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

THE COURT: For trespassing.

PROSPECTIVE JUROR #037: And assault.

THE COURT: Was that here in Clark County?

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

THE COURT: All right.

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

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

PROSPECTIVE JUROR #037: I guess.

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

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

THE COURT: Okay. What happened?

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

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

PROSPECTIVE JUROR #037: No.

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

PROSPECTIVE JUROR #037: No.

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

PROSPECTIVE JUROR #040: Kathleen Smith, number 40.

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

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

PROSPECTIVE JUROR #040: Yes.

THE COURT: Okay.

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

THE COURT: Okay.

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

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

THE COURT: Okay.

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

THE COURT: The father of your grandchild?

PROSPECTIVE JUROR #040: Right.

THE COURT: Okay.

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

THE COURT: Do you have a pending battery charge?

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

THE COURT: You got a citation?

PROSPECTIVE JUROR #040: Yes.

THE COURT: Did you have to go to Court?

PROSPECTIVE JUROR #040: Yes.

THE COURT: What happened?

PROSPECTIVE JUROR #040: Well yeah I did go to Court and I just pled guilty to it and paid a fine.

THE COURT: Here in this courthouse?

PROSPECTIVE JUROR #040: North Las Vegas.

THE COURT: North Las Vegas as well?

PROSPECTIVE JUROR #040: Yes.

THE COURT: So, you pled guilty to battery?

PROSPECTIVE JUROR #040: Yes.

THE COURT: Paid a fine?

PROSPECTIVE JUROR #040: Yes.

THE COURT: And what else?

PROSPECTIVE JUROR #040: And then it was dismissed.

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

PROSPECTIVE JUROR #040: No.

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

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

THE COURT: All right. And where was that?

PROSPECTIVE JUROR #014: In Clark County.

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

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

THE COURT: He was a minor?

PROSPECTIVE JUROR #014: Yes.

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

PROSPECTIVE JUROR #014: Okay.

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

PROSPECTIVE JUROR #014: Yes.

THE COURT: Did you accompany him as the parent?

PROSPECTIVE JUROR #014: Yes.

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

PROSPECTIVE JUROR #014: No.

THE COURT: Do you think he was treated fairly?

PROSPECTIVE JUROR #014: Yes.

THE COURT: Okay. Thank you.

PROSPECTIVE JUROR #014: He got in some more trouble back in Georgia also.

THE COURT: As a minor or as in an adult?

PROSPECTIVE JUROR #014: As an adult.

THE COURT: Okay. And what was that?

PROSPECTIVE JUROR #014: I didn't go to Court with him or anything like that. He's on probation still.

THE COURT: For?

PROSPECTIVE JUROR #014: He was running from the police and ended up in some kid's bedroom.

THE COURT: Okay. Ended up in someone's house in their bedroom?

PROSPECTIVE JUROR #014: In a child's bedroom and he did not know the people that lived there.

THE COURT: Okay. But do you know what he was charged with?

PROSPECTIVE JUROR #014: No; but it doesn't sound good.

THE COURT: Okay. And you believe he's on probation?

PROSPECTIVE JUROR #014: Yes.

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

PROSPECTIVE JUROR #014: No.

THE COURT: Okay. Thank you.

PROSPECTIVE JUROR #014: You're welcome.

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

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

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

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

MS. LUZAICH: Good afternoon, Ladies and gentlemen.

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

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

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

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

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

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

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

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

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

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

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

MS. LUZAICH: Um-hm.

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

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

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

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

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

MS. LUZAICH: Why not?

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

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

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

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

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

could or could not say yes or no to anything.

MS. LUZAICH: You think all kids are different?

PROSPECTIVE JUROR #025: Yes.

MS. LUZAICH: What makes kids different?

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

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

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

MS. LUZAICH: Demeanor.

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

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

Is it hard for a child to say no?

PROSPECTIVE JUROR #028: I would think so.

MS. LUZAICH: Why?

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

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

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

up a little different.

MS. LUZAICH: What makes them different?

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

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

PROSPECTIVE JUROR #028: Oh, yeah.

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

PROSPECTIVE JUROR #028: Yes.

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

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

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

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

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

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

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

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

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

happen?

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

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

PROSPECTIVE JUROR #033: Um-hm.

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

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

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

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

MS. LUZAICH: At which center?

PROSPECTIVE JUROR #033: Walnut Rec Center.

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

PROSPECTIVE JUROR #033: Which names?

MS. LUZAICH: The kids.

PROSPECTIVE JUROR #033: Excuse me?

MS. LUZAICH: The kids.

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

MS. LUZAICH: Not at all.

PROSPECTIVE JUROR #033: No.

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

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

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

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

PROSPECTIVE JUROR #033: Most definitely, most definitely.

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

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

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

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

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

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

MS. LUZAICH: Why is that?

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

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

consideration?

PROSPECTIVE JUROR #014: Yes.

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

PROSPECTIVE JUROR #015: Urquico.

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

PROSPECTIVE JUROR #015: Yes.

MS. LUZAICH: Why is that?

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

MS. LUZAICH: They don't experience what?

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

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

PROSPECTIVE JUROR #015: And just fear of adults.

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

PROSPECTIVE JUROR #015: Yes.

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

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

MS. LUZAICH: Because?

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

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

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

PROSPECTIVE JUROR #033: Yes.

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

PROSPECTIVE JUROR #033: No.

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

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

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

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

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

PROSPECTIVE JUROR #033: No.

MS. LUZAICH: Why?

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

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

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

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

PROSPECTIVE JUROR #033: Yes.

MS. LUZAICH: Why?

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

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

PROSPECTIVE JUROR #033: Yes.

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

PROSPECTIVE JUROR #012: My voice is gone.

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

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

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

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

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

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

PROSPECTIVE JUROR #012: By far.

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

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

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

PROSPECTIVE JUROR #012: No.

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

PROSPECTIVE JUROR #012: It is.

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

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

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

PROSPECTIVE JUROR #012: It's huge.

MS. LUZAICH: Different people perceive things differently.

PROSPECTIVE JUROR #012: It does, yes.

MS. LUZAICH: Thank you. Mr. Yowell.

PROSPECTIVE JUROR #011: Yes.

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

PROSPECTIVE JUROR #011: Absolutely I do.

MS. LUZAICH: For example, why?

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

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

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

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

in the pink dress.

PROSPECTIVE JUROR #011: Right.

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

PROSPECTIVE JUROR #011: Yes; absolutely.

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

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

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

PROSPECTIVE JUROR #011: Yes.

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

PROSPECTIVE JUROR #011: Right; absolutely.

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

PROSPECTIVE JUROR #011: No, not at all.

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

PROSPECTIVE JUROR #011: Yes; absolutely.

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

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

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

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

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

MS. LUZAICH: For example.

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

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

PROSPECTIVE JUROR #011: Yeah, yeah.

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

PROSPECTIVE JUROR #011: Right, right.

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

PROSPECTIVE JUROR #011: No.

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

PROSPECTIVE JUROR #011: Yeah, a little bit.

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

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

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

details in front of a room full of strangers?

PROSPECTIVE JUROR #011: Absolutely, yeah.

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

PROSPECTIVE JUROR #09: Kamaunu.

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

PROSPECTIVE JUROR #09: I have five.

MS. LUZAICH: What ages, age range.

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

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

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

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

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

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

PROSPECTIVE JUROR #09: An excuse or --

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

PROSPECTIVE JUROR #09: Yeah.

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

PROSPECTIVE JUROR #09: Oh, my God. They do some crazy ones.

MS. LUZAICH: Okay.

PROSPECTIVE JUROR #09: They con me all the time.

MS. LUZAICH: So, sometimes do they say crazy things that just sound so crazy and you later realize they're true?

PROSPECTIVE JUROR #09: No.

MS. LUZAICH: No? Really.

PROSPECTIVE JUROR #09: No.

MS. LUZAICH: You never heard the expression, you know, there's some things that are so crazy you just can't make 'em up?

PROSPECTIVE JUROR #09: I'm Daddy so it's different. Like they just go and I give in, you know what I mean. And then I really got to tell me crazy things, you know.

MS. LUZAICH: Okay.

PROSPECTIVE JUROR #09: They just got to give me sad face and I'm like, go get it.

MS. LUZAICH: What happens if somebody breaks mom's favorite possession, whatever it is, how are you going to figure out which one did it when she says she did and she says she did it?

PROSPECTIVE JUROR #09: They're all going to get punished.

MS. LUZAICH: Okay. What if you can't punish everybody? I mean, you got to make a decision. For example, in Court you've got to make a decision.

PROSPECTIVE JUROR #09: I got to go by the facts and the evidence, you know what I mean.

MS. LUZAICH: Okay. Are you going to look at what one person says and

see how it compares to what somebody else says?

PROSPECTIVE JUROR #09: Yeah.

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

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

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

PROSPECTIVE JUROR #09: Yes.

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

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

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

PROSPECTIVE JUROR #09: Yeah.

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

PROSPECTIVE JUROR #09: Yeah, I guess.

MS. LUZAICH: Like what?

PROSPECTIVE JUROR #09: Witnesses maybe.

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

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

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

as opposed to having to see and touch something --

PROSPECTIVE JUROR #09: Yeah.

MS. LUZAICH: -- to make a decision?

PROSPECTIVE JUROR #09: Yeah.

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

PROSPECTIVE JUROR #09: Yeah.

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

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

MS. LUZAICH: No.

PROSPECTIVE JUROR #075: No.

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

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

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

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

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

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

PROSPECTIVE JUROR #075: Yes.

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

PROSPECTIVE JUROR #075: No, absolutely not.

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

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

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

PROSPECTIVE JUROR #01: Yes, ma'am.

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

PROSPECTIVE JUROR #01: No, ma'am.

MS. LUZAICH: You sat in a trial before?

PROSPECTIVE JUROR #01: Yes.

MS. LUZAICH: Similar charges?

PROSPECTIVE JUROR #01: Yes.

MS. LUZAICH: Kids testified.

PROSPECTIVE JUROR #01: Yes.

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

PROSPECTIVE JUROR #01: Yes.

MS. LUZAICH: How was that experience?

PROSPECTIVE JUROR #01: It was definitely a tough experience.

MS. LUZAICH: Something you thought about for a long time after?

PROSPECTIVE JUROR #01: Absolutely.

MS. LUZAICH: Is it something that you can do again?

PROSPECTIVE JUROR #01: Yes.

MS. LUZAICH: Okay. Thank you.

Ms. Stammetti.

PROSPECTIVE JUROR#20: Yes.

MS. LUZAICH: What about you? Is it harder for kids to disclose than for adults any kind of abuse, physical abuse, sexual abuse?

PROSPECTIVE JUROR#20: I think so, yes.

MS. LUZAICH: Why?

PROSPECTIVE JUROR#20: I think depending on circumstances, they could be scared of things getting worse; they could be scared of the outcome. Those adults have really control of their lives. So, you know, I can see a kid wondering whose going to believe them.

MS. LUZAICH: Do you think sometimes kids could feel pressure not to disclose?

PROSPECTIVE JUROR#20: Yes.

MS. LUZAICH: Are there different kinds of pressure in your mind?

PROSPECTIVE JUROR#20: Probably. I mean, there would be a self-imposed pressure. There could be pressure from outside sources.

MS. LUZAICH: When you say self-imposed, what do you mean?

PROSPECTIVE JUROR#20: Just bring it on themselves; feeling maybe guilty or ashamed or did I do something wrong and putting pressure on themselves that

way.

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

PROSPECTIVE JUROR#20: Right; yes.

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

PROSPECTIVE JUROR#20: Yes.

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

PROSPECTIVE JUROR#20: Yes, mm-hmm.

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

PROSPECTIVE JUROR#20: Yes.

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

PROSPECTIVE JUROR#20: I have two.

MS. LUZAICH: Oh, two. How old?

PROSPECTIVE JUROR#20: Seventeen and 13.

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

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

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

PROSPECTIVE JUROR#20: Yes.

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

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

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

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

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

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

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

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

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

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

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

MS. LUZAICH: Okay.

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

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

PROSPECTIVE JUROR#23: Mm-hmm; yeah.

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

PROSPECTIVE JUROR#23: No.

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

PROSPECTIVE JUROR#23: Own opinion.

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

PROSPECTIVE JUROR#23: No.

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

PROSPECTIVE JUROR#23: No.

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

PROSPECTIVE JUROR#23: No.

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

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

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

PROSPECTIVE JUROR#23: Oh, yeah.

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

PROSPECTIVE JUROR#23: Exactly; yep.

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

PROSPECTIVE JUROR#23: Mm-hmm.

MS. LUZAICH: What's the difference?

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

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

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

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

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

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

PROSPECTIVE JUROR#24: To which question.

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

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

MS. LUZAICH: What are your kids age ranges?

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

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

PROSPECTIVE JUROR#24: I would not.

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

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

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

PROSPECTIVE JUROR#24: Yes.

MS. LUZAICH: How they were raised?

PROSPECTIVE JUROR#24: Yes.

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

PROSPECTIVE JUROR#24: Of course.

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

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

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

MS. LUZAICH: A little bit?

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

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

PROSPECTIVE JUROR#24: Yes.

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

PROSPECTIVE JUROR#24: Right.

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

PROSPECTIVE JUROR#24: Yes.

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

PROSPECTIVE JUROR#24: No.

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

PROSPECTIVE JUROR#24: No.

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

PROSPECTIVE JUROR#24: Yes.

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

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

PROSPECTIVE JUROR#24: Sure they can.

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

PROSPECTIVE JUROR#24: Yes.

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

PROSPECTIVE JUROR#24: No, no.

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

PROSPECTIVE JUROR#24: Yes.

MS. LUZAICH: And therefore just remember it differently?

PROSPECTIVE JUROR#24: Yes, of course.

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

PROSPECTIVE JUROR#24: No, not at all.

MS. LUZAICH: Why?

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

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

PROSPECTIVE JUROR#24: Sure.

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

PROSPECTIVE JUROR#24: Yes.

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

PROSPECTIVE JUROR#25: As far as --

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

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

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

PROSPECTIVE JUROR#25: Absolutely; yes.

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

PROSPECTIVE JUROR#25: Yes.

MS. LUZAICH: Therefore when two different people describe a set of events for you, if they don't describe them the same, in your mind, does that mean that one of them is necessarily lying?

PROSPECTIVE JUROR#25: No. Lying to me is basically an intentional act and if you're mistaken it's not intentional that you just didn't remember it clearly or you just didn't get all the details or whatever. So, that's for me a lie is an intentional act of trying to deceive.

MS. LUZAICH: Okay. And do you think that because different people view things differently, they can still appear to be telling the truth when they're not telling the truth or telling a lie when they're not; does that make sense at all?

PROSPECTIVE JUROR#25: Kind of.

MS. LUZAICH: Lawyers just ask terrible questions. I mean, can you necessarily tell whether it's a truth or a lie or a mistake?

PROSPECTIVE JUROR#25: I don't think you can absolutely tell, no. I mean, you have to use some of your own objective thinking and kind of analyze as much as you can. You know, as a parent, I don't always go face value on everything that I'm told. I know that, you know, I have two children. One will say oh this and the

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

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

PROSPECTIVE JUROR#28: It's possible.

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

PROSPECTIVE JUROR#28: Yes.

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

PROSPECTIVE JUROR#28: No, not necessarily.

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

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

MS. LUZAICH: What do you mean?

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

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

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

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

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

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

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

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

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

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

PROSPECTIVE JUROR#28: Could be.

MS. LUZAICH: What, for example?

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

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

PROSPECTIVE JUROR#28: Yes, my wife.

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

PROSPECTIVE JUROR#28: Right; no.

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

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

PROSPECTIVE JUROR#30: Yes.

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

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

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

PROSPECTIVE JUROR#30: Correct.

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

PROSPECTIVE JUROR#30: Sure.

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

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

MS. LUZAICH: Okay. Thank you.

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

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

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

PROSPECTIVE JUROR#33: Yeah.

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

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

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

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

MS. LUZAICH: Okay. Thank you.

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

PROSPECTIVE JUROR#41: Absolutely.

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

PROSPECTIVE JUROR#41: Absolutely.

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

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

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

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

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

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

PROSPECTIVE JUROR#41: No.

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

PROSPECTIVE JUROR#41: Yes.

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

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

MS. LUZAICH: Have you heard about then?

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

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

PROSPECTIVE JUROR#41: Yes.

MS. LUZAICH: Different people react differently.

PROSPECTIVE JUROR#41: Yes.

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

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

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

PROSPECTIVE JUROR#50: Do I have to stand?

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

PROSPECTIVE JUROR#50: No, no children.

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

PROSPECTIVE JUROR#50: Yeah.

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

PROSPECTIVE JUROR#50: No.

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

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

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

PROSPECTIVE JUROR#50: No.

MS. LUZAICH: -- just because of that?

PROSPECTIVE JUROR#50: No.

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

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

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

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

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

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

PROSPECTIVE JUROR#50: Well no, no.

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

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

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

PROSPECTIVE JUROR#50: Yeah.

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

PROSPECTIVE JUROR#48: Yeah.

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

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

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

PROSPECTIVE JUROR#48: Absolutely.

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

PROSPECTIVE JUROR#48: Absolutely.

MS. LUZAICH: What makes kids different?

PROSPECTIVE JUROR#48: Again, I think it's -- they are violent that they came up in. And also I think the juror should be able to understand that environment also.

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

PROSPECTIVE JUROR#48: Well say if you had a minority child and you're a minority and you was living in that environment, I think you would have maybe a little different perspective on that kind of bringing up say if he wasn't.

MS. LUZAICH: Well do you think that all similarly situated families raise their kids this the same?

PROSPECTIVE JUROR#48: No.

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

PROSPECTIVE JUROR#48: Absolutely.

MS. LUZAICH: And if you don't agree with the way kids are being raised, is that going to affect how you view those kids?

PROSPECTIVE JUROR#48: No.

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

PROSPECTIVE JUROR#48: No.

MS. LUZAICH: Not at all?

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

that in consideration.

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

PROSPECTIVE JUROR#48: Absolutely.

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

PROSPECTIVE JUROR#48: Sure.

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

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

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

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

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

PROSPECTIVE JUROR#48: Absolutely.

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

PROSPECTIVE JUROR#48: Sure.

MS. LUZAICH: Thank you. Mr. Capitanio.

PROSPECTIVE JUROR#47: Yes.

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

PROSPECTIVE JUROR#47: Yeah.

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

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

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

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

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

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

MS. LUZAICH: How?

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

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

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

MS. LUZAICH: What will you do?

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

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

PROSPECTIVE JUROR#47: Yeah, always.

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

PROSPECTIVE JUROR#47: Definitely, yeah.

MS. LUZAICH: Like what kind of pressure?

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

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

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

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

PROSPECTIVE JUROR#47: Yeah.

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

PROSPECTIVE JUROR#47: Yeah.

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

PROSPECTIVE JUROR#47: Yeah.

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

disbelieve the kid?

PROSPECTIVE JUROR#47: No.

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

PROSPECTIVE JUROR#47: Uh-huh.

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

PROSPECTIVE JUROR#47: Yes.

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

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

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

PROSPECTIVE JUROR#47: No.

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

PROSPECTIVE JUROR#47: Yes.

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

PROSPECTIVE JUROR#47: Yes.

MS. LUZAICH: Mr. Torres.

PROSPECTIVE JUROR#45: Yes.

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

PROSPECTIVE JUROR#45: Yes, definitely.

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

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

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

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

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

PROSPECTIVE JUROR#45: Yes.

MS. LUZAICH: Why might that happen?

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

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

PROSPECTIVE JUROR#45: Yes, I could see that happening.

MS. LUZAICH: Sometimes kids have good intentions --

PROSPECTIVE JUROR#45: Yes.

MS. LUZAICH: -- but it just doesn't turn out well?

PROSPECTIVE JUROR#45: Yes.

MS. LUZAICH: Do you think sometimes parents have good intentions and it turns out even worse?

PROSPECTIVE JUROR#45: Yes.

MS. LUZAICH: Would you agree that sometimes there are great parents but sometimes there are horrible parents?

PROSPECTIVE JUROR#45: Yes.

MS. LUZAICH: Are all of these things that you would take into consideration when evaluating witnesses?

PROSPECTIVE JUROR#45: Yes.

MS. LUZAICH: Can you listen to kids and give them a fair chance?

PROSPECTIVE JUROR#45: Yes.

MS. LUZAICH: Thank you. Ms. Boulton.

PROSPECTIVE JUROR#79: Yes.

MS. LUZAICH: How are you?

PROSPECTIVE JUROR#79: I'm fine. Thank you.

MS. LUZAICH: You said that you have a son who sees Dr. Nwapa?

PROSPECTIVE JUROR#79: Yes.

MS. LUZAICH: And I'm sorry but for what?

PROSPECTIVE JUROR#79: Well I think it's more of like -- we moved all over so we don't stay in one place. And then in 2009 my husband had a massive heart attack which I would say he died twice but he's still alive now. So, I think it's like a traumatic depression type thing.

MS. LUZAICH: How old is your son?

PROSPECTIVE JUROR#79: Fourteen. But he's doing well now and he's past that stage. It's just -- we're an open family so if something bothers someone,

they really come up to you and open up.

MS. LUZAICH: Okay. Would you agree that not everybody has an open family?

PROSPECTIVE JUROR#79: Yes.

MS. LUZAICH: Some families don't tell anyone anything?

PROSPECTIVE JUROR#79: Yes.

MS. LUZAICH: You said you move around a lot; how come?

PROSPECTIVE JUROR#79: Well I would say we are fortunate because of my job and my husband's job; something comes up for us, it's an adventure. Prior to coming here, we live in Anchorage, Alaska.

MS. LUZAICH: Oh, my. For how long?

PROSPECTIVE JUROR#79: Five years. And then prior to that, we live in Honolulu for two years, and prior to that we live in Guam.

MS. LUZAICH: Definitely some great adventures.

PROSPECTIVE JUROR#79: So, for us they need us let's check it out, and we are really grateful for the opportunity.

MS. LUZAICH: Has your son been able to like assimilate and make friends in all the locations that he's been to?

PROSPECTIVE JUROR#79: Yes. Even his friend from pre-school in Guam three years, when they were two years old. They're still good friends. They live in Hawaii.

MS. LUZAICH: So, have you gotten to experience the different kids from different locations?

PROSPECTIVE JUROR#79: Yes.

MS. LUZAICH: You know, his friends will come over to the house and hang

out and stuff?

PROSPECTIVE JUROR#79: Yes.

MS. LUZAICH: So, you would definitely agree like all kids are different?

PROSPECTIVE JUROR#79: Yes.

MS. LUZAICH: And kids from different locations are raised differently; would you agree with that?

PROSPECTIVE JUROR#79: Yes; absolutely.

MS. LUZAICH: Is that sometime that you see -- you have seen on a regular basis?

PROSPECTIVE JUROR#79: Yes, I do.

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

PROSPECTIVE JUROR#79: I would say I don't think so. It depends on how kids are brought up. It depends on the environment, like how the parents are, how they were taught. Like for example, my kids, they know that they -- when they were younger they have to keep their hands to themselves, it has to stay in their bodies so when somebody touches them they say so. But when some kids that I know it's like it's okay, like you hug or you reach out of some things.

So, I think it depends on how these kids are brought up. I know some kids might have some fear that they have. It could be like from the family itself, it could be from outside sources, but it's really hard to determine that until you actually see that child.

MS. LUZAICH: Okay. So, when you see the child or children that are going to come in here, what are some things that you will look at to evaluate them as witnesses?

PROSPECTIVE JUROR#79: First I will listen to what they are saying and

then support system so I would say there might be some -- it could be like hearing things, seeing things. And then with myself I try to like gather all the facts that are presented before and then really come up to like different scenarios and situations and put them all together and come up with like how I feel or my conclusion. I just don't jump into this is what was said.

MS. LUZAICH: And so you're very analytical?

PROSPECTIVE JUROR#79: Yes. That's also a part -- the work that I do presently.

MS. LUZAICH: Right, right. So, you won't automatically believe an adult over a child simply because they're an adult?

PROSPECTIVE JUROR#79: No.

MS. LUZAICH: You'll listen to what everybody has to say before you make up your mind?

PROSPECTIVE JUROR#79: Yes.

MS. LUZAICH: Thank you.

PROSPECTIVE JUROR#79: You're welcome.

MS. LUZAICH: Mr. Kordoban.

PROSPECTIVE JUROR#42: Yes.

MS. LUZAICH: Did I get that right?

PROSPECTIVE JUROR#42: You got it.

MS. LUZAICH: What do you think? It's been a while since you had small kids. How will you evaluate the testimony of kids? Nobody's going to be small. I don't mean misstate that, but younger. How might you evaluate the testimony of kids that are going to testify?

PROSPECTIVE JUROR#42: A lot deals with the questions that are being

asked and how they're responding and the leads -- giving questions from the attorneys too to give me a direction of the evidence, you know.

MS. LUZAICH: Is that because I'm asking horrible questions as the day goes by?

PROSPECTIVE JUROR#42: It's 5 o'clock so it's been a long day.

THE COURT: Thank you. I know. Time flies. I was just going to wait till you've stopped. I was going to stop you.

At this time, we're going to conclude for the evening. We're going to start tomorrow morning at 10 o'clock. So, all of you need to be back tomorrow morning at 10 o'clock. So, you don't panic, I'll give you an idea of how it's going to go.

The State of Nevada has an opportunity to question the panel and then the defense has an opportunity to question the panel. So, we're more than half way done. So, I think tomorrow maybe by early afternoon, I hope, we will have a panel or sooner.

So, again, you all need to return tomorrow morning at 10 o'clock. Come directly to the 14th floor. The officer will meet you. Unless you are directed otherwise, please remember you are to be here tomorrow morning at 10 o'clock. Come directly to the 14th floor. When everyone is here, we will start. I just want to remind you -- I think everyone has figured out -- we cannot start till every single person is here. I also want to remind you that in the morning sometimes the elevators are quite busy. So, please allow five to ten extra minutes to get up here on the elevator.

During this recess, you are admonished not to talk or converse amongst yourselves or with anyone else on any subject connected with this trial or

read, watch or listen to any report of or commentary on the trial or any person connected with this trial by any medium of information, including without limitation, newspapers, television, the internet or radio or form or express any opinion on any subject connected with this trial until the case is finally submitted to you. Thank you very much for your courtesy. Again, I'll see you tomorrow morning at 10 o'clock. You're excused.

[Jury Trial, Day 1, concluded at 5:03 p.m.]

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

Patricia Slattery

PATRICIA SLATTERY
Court Transcriber

Electronically Filed
12/30/2015 08:12:05 AM

CLERK OF THE COURT

RTRAN

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, vs. FREDERICK HARRIS, JR. Defendant.	CASE #: C291374 DEPT. XII

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

WEDNESDAY, MARCH 26, 2014

RECORDER'S TRANSRIPT OF PROCEEDINGS
JURY TRIAL, DAY 2 - VOIR DIRE

APPEARANCES:

For the State: ELISSA LUZAICH, ESQ.
Chief Deputy District Attorney

KRISTINA A. RHOADES, ESQ.
Deputy District Attorney

For the Defendant: BETSY ALLEN, ESQ.
JONATHAN MacARTHUR, ESQ.

RECORDED BY: KRISTINE CORNELIUS, COURT RECORDER

WEDNESDAY, MARCH 26, 2014; 10:38 A.M.

[Outside the presence of the prospective jury panel]

THE COURT: State of Nevada versus Frederick Harris, C291374. Mr. Harris is present. He's in custody. All the attorneys are present. This is taking place outside the presence of the jury panel.

I just want to give you an update on that juror. I normally would wait but he's in the box.

MS. ALLEN: Right.

THE COURT: And so I feel like I have to wait. We did speak to – we were able to get someone on the phone and it appears as though he's on his way. I looked up his address, he lives in the Spanish Trails area, so.

MS. LUZAICH: At least there won't be traffic at this hour.

THE COURT: Right. I don't know how much longer we'll have to wait, but I do have word that he's on his way, so I would like to wait. I'm assuming the parties don't object to that.

MS. LUZAICH: Of course not.

MS. ALLEN: Of course not.

MR. MAC ARTHUR: No objection.

THE COURT: And then I know there's – I got this sealed envelope and I'm assuming that that's what this hearing is about?

MS. ALLEN: Yes, Your Honor. We had – I apologize. We had submitted that to your chambers last week I believe. And the agreement was that the Court would review it in camera and determine if it was to be dispersed to the parties.

THE COURT: Who gave it to me?

MS. ALLEN: I did.

THE COURT: Oh, so you haven't looked at it?

MS. ALLEN: No, as a matter of fact, I –

THE COURT: Oh.

MS. ALLEN: -- and I advised Ms. Luzaich of this. So I got the Court order and I sent it over to the doctor. And in the Court order it specifies it's supposed to be in a sealed condition. My investigator picked it up for me and brought it back and when he handed it to me, it was unsealed. And I was like, I don't want to touch it. Seal it.

THE COURT: Okay.

MS. ALLEN: And I let her know right away. So, no, neither one of us have looked at that and then I dropped it off.

THE COURT: Okay. And this Victoria Duke is?

MS. LUZAICH: One of the victims.

THE COURT: Okay.

MS. ALLEN: Correct.

THE COURT: All right. And you want me to decide whether – well, I think it needs to be turned over to the parties.

MS. LUZAICH: Okay. Then that's what –

THE COURT: I mean, because there's issues that – well –

MS. LUZAICH: Well, if the Court finds it even potentially exculpatory, I think you have to turn it over, so.

THE COURT: Right. Every time I –

MS. LUZAICH: I mean I'm not objecting.

THE COURT: Yeah, okay. And so what I'll do is I'll have Susan mark this as

Court's exhibit next in line, number 2, but we'll copy it and I'll – I mean there's – it's potentially exculpatory and could be used for purposes of cross-examination, so.

MS. ALLEN: I appreciate that, Your Honor. Thank you.

MS. LUZAICH: Although I do reserve the right to challenge the use of the records, I'm not objecting to them being turned over to the parties. I mean I don't know what's in them, so you know maybe it's not admissible.

THE COURT: Right. They may not want to admit the records, but they may want to use the information that's in the records. Does that make sense?

MS. LUZAICH: Right. But I mean I reserve the right to challenge their use of the information as well. Because I have no idea what's in it, you know maybe it completely admissible information, but maybe it's not admissible information as well. You see it, you know what it is, I just don't.

THE COURT: Right. Okay. So what I'll do is I'll – this is – I'm going to go make two copies.

MS. LUZAICH: Please.

MS. ALLEN: Yes, Your Honor. Well, actually –

THE COURT: You want four?

MS. ALLEN: If we could.

THE COURT: Okay.

MS. ALLEN: One for Mr. Mac Arthur as well. Thank you.

THE COURT: And I'll give you the original and I'll go make four copies.

THE COURT CLERK: Yes, Your Honor. Thank you.

THE COURT: And then as soon as that gentleman is here, I'm not sure how he got the times mixed up, but – 'cause everybody else is here.

[Courtroom recessed from 10:41 a.m. to 10:57 a.m.]

[In the presence of the prospective jury panel]

THE COURT: Good morning. You can have a seat.

Good morning.

PROSPECTIVE JURY PANEL: [In unison]. Good morning.

THE COURT: Do the parties stipulate to the presence of the jury panel as now empaneled?

MS. LUZAICH: Yes.

MS. ALLEN: Yes, Your Honor.

THE COURT: Okay. The State of Nevada may continue with their voir dire of the panel.

MS. LUZAICH: Thank you. Good morning everybody, are you all just thrilled to be here?

THE COURT: Yes.

MS. LUZAICH: At least you're laughing, thank you, I appreciate that.

I believe yesterday clearly I was going to talk about kids who are going to come testify and I think I was talking to you Mr. Kordoban. Been awhile since you've had young kids, right; you have grandkids though?

PROSPECTIVE JUROR #042: Want me to stand?

MS. LUZAICH: No, no, no. Please stay, relax.

PROSPECTIVE JUROR #042: Can I apologize?

MS. LUZAICH: If you want.

THE COURT: It's okay.

PROSPECTIVE JUROR #042: I'm so sorry to everybody.

THE COURT: It is, it's okay, but thank you. We're glad you're here.

MS. LUZAICH: We appreciate that. Thank you.

Been awhile since you have kids, but you have grandkids –

PROSPECTIVE JUROR #042: Yeah.

MS. LUZAICH: -- or since your kids were young; grandkids?

PROSPECTIVE JUROR #042: I have grandkids, yeah

MS. LUZAICH: How old are your grandkids?

PROSPECTIVE JUROR #042: Three and eight, or will be eight; seven.

MS. LUZAICH: Okay. Do you get involved in disputes amongst your grandkids or do you just leave that to your kids, their parents?

PROSPECTIVE JUROR #042: Well, I think as a grandparent you have the tendency to give them what they want and let the parents worry about it, but –

MS. LUZAICH: That was going to be my next question. Is that the kind of grandparent you are that you can't say no to them?

PROSPECTIVE JUROR #042: They're girls and, you know, I think I'm fair, you know, in all honesty, so.

MS. LUZAICH: Okay. Thank you. Since you guys didn't get to talk yesterday, Ms. Barlow, how you doing?

PROSPECTIVE JUROR #051: I'm pretty much fine.

MS. LUZAICH: Good. Thank you. Oop, sorry. I'm very loud, so I never have to worry about the microphone, not everybody is quite as loud as I am.

PROSPECTIVE JUROR #051: Okay.

MS. LUZAICH: You know, you heard all the questions yesterday. What do you think about kids? Can you give kids a fair chance?

PROSPECTIVE JUROR #051: Yes.

MS. LUZAICH: Keep an open mind –

PROSPECTIVE JUROR #051: Uh-huh.

MS. LUZAICH: -- as to what they have to say?

PROSPECTIVE JUROR #051: Yes. Being a teacher, yes, I mean I deal with that every day.

MS. LUZAICH: As a teacher, you are a mandatory reporter as well –

PROSPECTIVE JUROR #051: Um-huh.

MS. LUZAICH: -- correct?

PROSPECTIVE JUROR #051: Yeah.

MS. LUZAICH: Have you ever had the opportunity or has the situation ever arisen where you have felt the need to report?

PROSPECTIVE JUROR #051: Yes.

MS. LUZAICH: What was it that you reported, physical abuse, sexual abuse?

PROSPECTIVE JUROR #051: Physical abuse.

MS. LUZAICH: And one time, more than one time?

PROSPECTIVE JUROR #051: One time.

MS. LUZAICH: How did you do that? Like what happened?

PROSPECTIVE JUROR #051: Do I say what I saw or –

MS. LUZAICH: Yeah. No names or anything –

PROSPECTIVE JUROR #051: No.

MS. LUZAICH: -- but.

PROSPECTIVE JUROR #051: Okay. Yeah. The child was bruised and so I called.

MS. LUZAICH: Was it an obvious bruise?

PROSPECTIVE JUROR #051: Uh-huh.

MS. LUZAICH: It's my understanding that you can't like raise a shirt or something to look and see?

PROSPECTIVE JUROR #051: No, no, it was on the arm.

MS. LUZAICH: But am I correct –

PROSPECTIVE JUROR #051: Um-huh.

MS. LUZAICH: -- you can't raise the shirt?

PROSPECTIVE JUROR #051: Um-huh.

MS. LUZAICH: And, if possible, could we not talk at the same time. The court recorder will punch me in the face, I think. They're recording everything we say so they can do a transcript later. Everybody. Sorry. I don't mean to make you uncomfortable.

So you reported it, who did you report it to?

PROSPECTIVE JUROR #051: I called CPS.

MS. LUZAICH: Was there an investigation?

PROSPECTIVE JUROR #051: I think so because the parent came to me.

MS. LUZAICH: Did they?

PROSPECTIVE JUROR #051: Uh-huh.

MS. LUZAICH: And what happened?

PROSPECTIVE JUROR #051: They questioned me. I told them.

MS. LUZAICH: In your face and angry?

PROSPECTIVE JUROR #051: Yes, yes.

MS. LUZAICH: And what did you say?

PROSPECTIVE JUROR #051: I did not admit that I did it. And I said that they can go talk to the principal.

MS. LUZAICH: Was that an uncomfortable situation for you?

PROSPECTIVE JUROR #051: Yes, very uncomfortable.

MS. LUZAICH: When you called CPS did they then come to the school and

talk to you?

PROSPECTIVE JUROR #051: They – no, they did not talk to me. I just told them what had happened on the phone.

MS. LUZAICH: Like call the hotline kind of thing?

PROSPECTIVE JUROR #051: Uh-huh, uh-huh.

MS. LUZAICH: So you never got subpoenaed or anything like that?

PROSPECTIVE JUROR #051: No.

MS. LUZAICH: Was that a hard decision for you to make, to call?

PROSPECTIVE JUROR #051: It wasn't a hard decision if you feel like the child is in danger. My job is to protect children so, of course, I would call.

MS. LUZAICH: Have you ever talked with other teachers –

PROSPECTIVE JUROR #051: Um-huh.

MS. LUZAICH: -- about that kind of situation?

PROSPECTIVE JUROR #051: Um-huh.

MS. LUZAICH: Are there other teachers that are not quite as likely and willing to call, in your experience?

PROSPECTIVE JUROR #051: It is your obligation to call if you feel like you have to protect the child. If you feel like there's neglect or abuse, you have to call. So we talked about it.

MS. LUZAICH: I recognize that.

PROSPECTIVE JUROR #051: Yeah.

MS. LUZAICH: But have you ever experienced a teacher that just didn't want to take that extra step?

PROSPECTIVE JUROR #051: Not really.

MS. LUZAICH: Do you think that it is – well, did that child – did you ask the

child about it?

PROSPECTIVE JUROR #051: About what?

MS. LUZAICH: The bruises?

PROSPECTIVE JUROR #051: No.

MS. LUZAICH: Do you think that it is sometimes hard for a child to disclose that?

PROSPECTIVE JUROR #051: Yes.

MS. LUZAICH: Was it a child in your class?

PROSPECTIVE JUROR #051: Um-huh, yes.

MS. LUZAICH: Somebody that you were close to?

PROSPECTIVE JUROR #051: Yes.

MS. LUZAICH: Somebody that could have come to you and said my mommy or daddy are beating me?

PROSPECTIVE JUROR #051: Yes.

MS. LUZAICH: But that child didn't do that?

PROSPECTIVE JUROR #051: Huh-uh.

MS. LUZAICH: Does that surprise you?

PROSPECTIVE JUROR #051: Now, I – some children will come and talk to you about things and some won't. For example, I have two students in my class right now that their parents passed away and that's a difficult thing to talk about. One tells me all the details, one has not spoken a word. So I think it's difficult for some children, yes.

MS. LUZAICH: Okay. And you agree all kids are different?

PROSPECTIVE JUROR #051: Yes.

MS. LUZAICH: And those two, they're siblings, so they were raised in the

same home and they're very different, right?

PROSPECTIVE JUROR #051: Um-huh.

THE COURT: Is that a yes?

PROSPECTIVE JUROR #051: Yes.

MS. LUZAICH: So what might, in your mind, be some reasons that a child would not disclose abuse?

PROSPECTIVE JUROR #051: They're afraid. Out of respect for an adult. They might be afraid to tell you, as the authority, the teacher also; some – it depends on the child.

MS. LUZAICH: So lots of different reasons?

PROSPECTIVE JUROR #051: [Nods head]. Yes.

MS. LUZAICH: Is that a yes. Do you think that if somebody does something foolish, something that you might do yourself that they're still entitled to the same protection of the law that you and I are?

PROSPECTIVE JUROR #051: Yes.

MS. LUZAICH: Do you think that if somebody commits a crime are they still entitled to protection under the law for something else?

PROSPECTIVE JUROR #051: Yes.

MS. LUZAICH: Can you listen to somebody who you hear that about and still, at least objectively, listen to what they have to say?

PROSPECTIVE JUROR #051: Yes.

MS. LUZAICH: So if somebody – you hear that somebody did something really, really foolish, you won't automatically disbelieve them just because of that?

PROSPECTIVE JUROR #051: No.

MS. LUZAICH: And if you hear that somebody may have broken the law at

some point, you won't automatically disbelieve them just because of that?

PROSPECTIVE JUROR #051: Yes.

MS. LUZAICH: Take it into consideration of course, but you can still listen to what they have to say?

PROSPECTIVE JUROR #051: Yes.

MS. LUZAICH: Okay. Thank you.

What do you think about kids, Mr. Powell, hard to disclose abuse?

PROSPECTIVE JUROR #052: I think it depends on the environment, how they were raised.

MS. LUZAICH: Okay. And what about it? What about their environment and how they were raised?

PROSPECTIVE JUROR #052: I think that determines their communication skills. So how they communicate is going to depend on how they were raised.

MS. LUZAICH: Do you think that different kids in the same home that are raised the same can communicate differently, will have different levels of skill at communicating?

PROSPECTIVE JUROR #052: Sure.

MS. LUZAICH: What causes that in your mind or what could, I guess?

PROSPECTIVE JUROR #052: I just think – I mean I have two boys that are very different. So I know that even though they were raised in the same home that they're very different in what their interests are and what – you know, how their approach to life is.

MS. LUZAICH: Okay. Do you think that or would you agree that different people can perceive the same set of circumstances differently?

PROSPECTIVE JUROR #052: Yes.

MS. LUZAICH: And if they perceive it differently, would you expect them to relate it later to somebody in the same way?

PROSPECTIVE JUROR #052: Not necessarily.

MS. LUZAICH: What might make them perceive it differently?

PROSPECTIVE JUROR #052: They might just have a different point of view from where there were, their ages may be different, I mean there could be numerous factors.

MS. LUZAICH: What are some factors other than age or location? Anything else you can think of?

PROSPECTIVE JUROR #052: Well, how they were raised and the relationship that they have with the adults around them, all that sort of thing.

MS. LUZAICH: Okay. Do you think that what is important to some people is not important to some other people?

PROSPECTIVE JUROR #052: Yes.

MS. LUZAICH: Might that enter into it as well?

PROSPECTIVE JUROR #052: Sure.

MS. LUZAICH: Okay. What do you think about if somebody does something that you would consider to be really, really foolish? Do you think that that person would still be entitled to the same protection under the law that you and I would?

PROSPECTIVE JUROR #052: Yes.

MS. LUZAICH: So the fact that they do something foolish, are you going to automatically disbelieve what they say after that?

PROSPECTIVE JUROR #052: No.

MS. LUZAICH: Obviously take it into consideration, but you could still evaluate them objectively?

PROSPECTIVE JUROR #052: Yes.

MS. LUZAICH: What if they – well, do you have an opinion about individuals who exchange sex for money?

PROSPECTIVE JUROR #052: An opinion?

MS. LUZAICH: Um-huh.

PROSPECTIVE JUROR #052: Well, it's illegal.

MS. LUZAICH: Right, right. Does everybody who commits a crime, does that make the automatically a horrible person.

PROSPECTIVE JUROR #052: That's a very black-and-white standard so, no.

MS. LUZAICH: Okay. So you can potentially still be an okay person even if you commit a crime in general?

PROSPECTIVE JUROR #052: It depends what the crime is.

MS. LUZAICH: Okay. Exchanging sex for money. In your mind is somebody who exchanges sex for money just a horrible person and you can't listen to what they have to say? Or are they somebody that, well, you don't like what they do but you can still listen to what they have to say?

PROSPECTIVE JUROR #052: It would depend upon the circumstances.

MS. LUZAICH: Okay. For example?

PROSPECTIVE JUROR #052: Well, I haven't heard anything other than what you've asked me. So it would depend upon the circumstances.

MS. LUZAICH: The circumstances of what? Like the circumstances why they would exchange sex for money –

PROSPECTIVE JUROR #052: Exactly.

MS. LUZAICH: -- or what they have to say?

PROSPECTIVE JUROR #052: Exactly.

MS. LUZAICH: Okay. If you hear that somebody has exchanged sex for money at some point in their life, can they still be a victim of sexual assault in your mind?

PROSPECTIVE JUROR #052: Yes.

MS. LUZAICH: So can you still listen to what that person has to say and at least try and be objective about what they have to say?

PROSPECTIVE JUROR #052: Yes.

MS. LUZAICH: Okay. Thank you.

What about you Ms. Barlow, what do you think about that? A person who exchanges sex for money, can that person in theory in your mind still be a victim of sexual assault?

PROSPECTIVE JUROR #051: I think so.

MS. LUZAICH: Okay. Do you have an opinion about individuals who exchange sex for money?

PROSPECTIVE JUROR #051: I mean I don't think that's right, but I could look at it objectively.

MS. LUZAICH: Okay. Clearly it's not right 'cause it is illegal.

PROSPECTIVE JUROR #051: Yeah.

MS. LUZAICH: You could look at what they have to say still objectively. You won't automatically say just because you did that I will, therefore, disbelieve everything you say?

PROSPECTIVE JUROR #051: Yes.

MS. LUZAICH: Do you think that a person who does that is necessarily a bad person?

PROSPECTIVE JUROR #051: I don't think so, depending on the circumstance, why they did that.

MS. LUZAICH: Okay. And that's something that you would take into consideration?

PROSPECTIVE JUROR #051: Yes.

MS. LUZAICH: What about you guys [indicating], Ms. Hiatt, Ms. Ence, Mr. Hernandez or, sorry, Ms. Hernandez, Mr. Padernilla, do you want to comment on that? Anybody? Ms. Hiatt.

PROSPECTIVE JUROR #053: Sure. I could be objective about that because there are reasons why people do things. And it's important to know those reasons before you make any kind of a judgment.

MS. LUZAICH: Okay.

PROSPECTIVE JUROR #053: Even if it is wrong.

MS. LUZAICH: Will the reason that somebody does it make a difference to you?

PROSPECTIVE JUROR #053: Yes.

MS. LUZAICH: And if you hear a reason then what?

PROSPECTIVE JUROR #053: Well, then I still want to hear the whole story before a decision is, you know, made.

MS. LUZAICH: Okay. So you will at least remain objective –

PROSPECTIVE JUROR #053: Yes.

MS. LUZAICH: -- and listen to what the individuals have to say?

PROSPECTIVE JUROR #053: Yes.

MS. LUZAICH: What about the person who does something that you would never do, that you think is foolish, not a crime necessarily but really, really dumb;

you would never do it. Can you listen to that person objectively?

PROSPECTIVE JUROR #053: Yes.

MS. LUZAICH: Ms. Ence, yourself?

PROSPECTIVE JUROR #056: I feel I could listen objectively. I don't think a person ever deserves to be a victim of a crime because they've done something else. I don't think they've earned that, but because there were bad in one situation so they deserve to be treated badly in another.

MS. LUZAICH: In your mind everybody in theory can be considered a victim of a crime. They don't lose the ability to become a – to be considered –

PROSPECTIVE JUROR #056: Right.

MS. LUZAICH: -- a victim just because of bad things that they have done?

PROSPECTIVE JUROR #056: Correct.

MS. LUZAICH: Can you listen to what individuals like this, you know, people who do foolish things; people who make really poor choices. People who may commit a crime, can you at least listen to what they have to say without automatically discounting what they have to say because of what you've heard?

PROSPECTIVE JUROR #056: Yes.

MS. LUZAICH: Thank you.

Ms. Hernandez what about yourself?

PROSPECTIVE JUROR #067: I can listen to them but I wouldn't trust them.

MS. LUZAICH: When you said you wouldn't trust them, would you automatically disbelieve – well, who is them? I mean somebody who's foolish? Somebody commits a crime? All; all of the above?

PROSPECTIVE JUROR #067: Yeah.

MS. LUZAICH: All of the above.

PROSPECTIVE JUROR #067: Correct.

MS. LUZAICH: Okay. When you say you couldn't or wouldn't trust them, does that mean that you would automatically disbelieve anything they tell you?

PROSPECTIVE JUROR #067: No, but I would pay attention to what they're telling me and base it on facts, other facts. I wouldn't just, you know, listen to their story. I would –

MS. LUZAICH: You wouldn't blindly believe them?

PROSPECTIVE JUROR #067: Yeah, of course.

MS. LUZAICH: But you wouldn't do that with anybody, would you? I mean wouldn't you want to hear what everybody has to say before making –

PROSPECTIVE JUROR #067: True.

MS. LUZAICH: -- up your mind?

PROSPECTIVE JUROR #067: True.

MS. LUZAICH: You had mentioned that you were going to school but you're not enrolled this semester?

PROSPECTIVE JUROR #067: Uh-huh.

MS. LUZAICH: How come?

PROSPECTIVE JUROR #067: Just financial reasons.

MS. LUZAICH: School is expensive?

PROSPECTIVE JUROR #067: Um-huh.

MS. LUZAICH: Are you going to go back next semester?

PROSPECTIVE JUROR #067: Yes.

MS. LUZAICH: Do you have much experience with kids?

PROSPECTIVE JUROR #067: No.

MS. LUZAICH: So kids are going to come in here and testify. And when I say

kids, you know, under 18, not five or six.

PROSPECTIVE JUROR #067: Uh-huh.

MS. LUZAICH: Can you listen to what kids have to say and be objective?

PROSPECTIVE JUROR #067: Yes, just like an adult.

MS. LUZAICH: Okay. So you won't automatically believe an adult over a child –

PROSPECTIVE JUROR #067: No.

MS. LUZAICH: -- simply because they're adults?

PROSPECTIVE JUROR #067: It would be equal.

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

PROSPECTIVE JUROR #067: I think it's harder for them to explain because they don't understand it themselves. And I, you know – fear, it depends on the age and maturity level. The way they were brought up, but I mean a situation like that I don't think anyone can find a way to explain it, you know. It's different for everyone.

MS. LUZAICH: Do you think it's hard for an adult to disclose abuse?

PROSPECTIVE JUROR #067: I don't really know.

MS. LUZAICH: Do you know anybody that's been abused?

PROSPECTIVE JUROR #067: No.

MS. LUZAICH: Do you think that it would be embarrassing to come into a room full of strangers and have to describe intimate sexual details?

PROSPECTIVE JUROR #067: Yes.

MS. LUZAICH: No matter how old you are do you think that's embarrassing?

PROSPECTIVE JUROR #067: Yes.

MS. LUZAICH: And is that something that you would take into consideration

when you are evaluating the testimony that you are going to hear?

PROSPECTIVE JUROR #067: Yes.

MS. LUZAICH: Do you think that if somebody either acted or reacted to that kind of situation in a way that you would not have, are you going to automatically disbelieve what that person has to say?

PROSPECTIVE JUROR #067: No.

MS. LUZAICH: Is there anything in particular that you're expecting to see in this trial?

PROSPECTIVE JUROR #067: I don't – I'm not expecting anything. I'm just – you know, I just got to listen to the story, the facts and see if it, you know, if – and the evidence, and I don't – I'm not really expecting anything, sorry, on the subject.

MS. LUZAICH: Okay. Well, you say the evidence. What is evidence to you? Is evidence something that you have to be able to touch?

PROSPECTIVE JUROR #067: Facts. Yeah, something that's proven. Something that's – you know, that you have paperwork of or someone saw and someone – something that's proven to me. Some –

MS. LUZAICH: Okay. In your mind can evidence be testimony, witness testimony?

PROSPECTIVE JUROR #067: Yes. But, you know, sometimes people don't remember correctly.

MS. LUZAICH: Okay.

PROSPECTIVE JUROR #067: So a lot of times it might not be the correct – I just wouldn't go by testimony a hundred percent. I would rather have evidence. Not just solely on the testimony.

MS. LUZAICH: What is there is no evidence that you can hold in your hand?

Will I not be able to convince you, if –

PROSPECTIVE JUROR #067: I mean if it's – if the timeline is correct and other, you know, facts or I don't know come into place and they – I don't really know. Honestly, I haven't thought about it.

MS. LUZAICH: And, you know, we definitely put you at a disadvantage by asking you general questions without giving you any facts. So I'm sorry about that.

PROSPECTIVE JUROR #067: Yeah, 'cause I don't really know, you know, the story or the – any background or information, so it's kind of hard to answer anything right now.

MS. LUZAICH: Okay. You had commented that sometimes people don't remember things correctly. What might make somebody or cause somebody to not remember something correctly in your mind?

PROSPECTIVE JUROR #067: Well, you were talking about the accident and how you were paying attention to, you know, something different from the other person. So I think that we all have different interest in maybe some things. We didn't pay attention because we weren't interested in looking at that, so you might miss out on very important –

MS. LUZAICH: Details.

PROSPECTIVE JUROR #067: -- facts, details.

MS. LUZAICH: And is that something that you would take into consideration when evaluating witnesses?

PROSPECTIVE JUROR #067: Yes.

MS. LUZAICH: Okay. Thank you.

PROSPECTIVE JUROR #067: Uh-huh.

MS. LUZAICH: Mr. Padernilla. Did I get that right?

PROSPECTIVE JUROR #074: Yes.

MS. LUZAICH: You – what do you think about that? What to you is evidence? Is evidence something that you have to hold in your hand? Is it testimony? What is evidence to you?

PROSPECTIVE JUROR #074: Well, I think it's a factor, something that I can see that will give me a reason not to doubt that that is something that is relevant to whatever is the point that is being taken care of.

MS. LUZAICH: Okay. When you say something that you can see. Witnesses are going to come in, they're going to sit there and they're going to testify. You'll be able to see them, so is – can witness testimony be enough for you?

PROSPECTIVE JUROR #074: It can, yes.

MS. LUZAICH: Okay. So you don't have to hold something in your hand –

PROSPECTIVE JUROR #074: Oh, no.

MS. LUZAICH: -- to be able to be convinced?

PROSPECTIVE JUROR #074: No.

MS. LUZAICH: And I'm not saying you won't get to hold something in your hand, but if not are you going to require that?

PROSPECTIVE JUROR #074: No.

MS. LUZAICH: As a charge nurse – well, how long have you been a charge nurse? You've been an RN for a long time.

PROSPECTIVE JUROR #074: Uh-huh.

MS. LUZAICH: How long you been a charge nurse?

PROSPECTIVE JUROR #074: In this particular job, since – well, seven years.

MS. LUZAICH: What did you do before that?

PROSPECTIVE JUROR #074: I work in a hospital as a floor nurse.

MS. LUZAICH: On a floor nurse, so treating patients on the floor?

PROSPECTIVE JUROR #074: Uh-huh.

MS. LUZAICH: Did you ever have occasion to be a nurse in the ER, in the emergency room?

PROSPECTIVE JUROR #074: Yeah, I also experience that way back before.

MS. LUZAICH: Have you ever had the occasion to participate in or observe a sexual assault exam?

PROSPECTIVE JUROR #074: Oh, no.

MS. LUZAICH: So if the doctor comes in here and talks to you about sexual assault exam, you're not going to second-guess what the doctor has to say are you?

PROSPECTIVE JUROR #074: No.

MS. LUZAICH: Okay. What do you think about kids? Are all kids different?

PROSPECTIVE JUROR #074: Yes.

MS. LUZAICH: Just like all people are different?

PROSPECTIVE JUROR #074: Yes.

MS. LUZAICH: Can you be objective when evaluating the testimony of kids?

PROSPECTIVE JUROR #074: Yes.

MS. LUZAICH: Do you think that it is hard for kids to disclose abuse?

PROSPECTIVE JUROR #074: Usually, I think a kid usually tells the truth about things that they want to tell. So I don't think so.

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

PROSPECTIVE JUROR #074: Well, for fear of unknown, something that might happen once they tell the truth or whatever they have to tell.

MS. LUZAICH: Okay. Do you think that – well, do you think that you can evaluate the testimony of somebody who is going to tell you that they've done something really foolish, something that you would never have done, can you evaluate that person's testimony objectively?

PROSPECTIVE JUROR #074: Yes.

MS. LUZAICH: What about somebody who is going to tell you that they have committed a crime. Can you listen to what that person has to say and still try and be objective?

PROSPECTIVE JUROR #074: Sure.

MS. LUZAICH: Now, obviously, you're going to take into consideration the crime and things of that nature, but can you – you won't automatically disbelieve what they have to say –

PROSPECTIVE JUROR #074: No.

MS. LUZAICH: -- just because of that?

PROSPECTIVE JUROR #074: No, no.

MS. LUZAICH: How do you feel about individuals who exchange sex for money?

PROSPECTIVE JUROR #074: They have their own reasons and I don't take it from them that they're bad or something like that.

MS. LUZAICH: Okay. So you can still listen to what that person –

PROSPECTIVE JUROR #074: Oh, yeah.

MS. LUZAICH: -- has to say and, potentially, believe what they have to say –

PROSPECTIVE JUROR #074: Yes.

MS. LUZAICH: -- potentially?

PROSPECTIVE JUROR #074: Yes.

MS. LUZAICH: Okay. Thank you.

I haven't asked anybody over here [indicating] that very interesting question. Mr. Bell, what do you think, if somebody exchanges sex for money at some point in their life, can they still be a victim of sexual assault?

PROSPECTIVE JUROR #046: Yes.

THE MARSHAL: [Providing microphone.]

MS. LUZAICH: Thank you.

If you hear that from an individual, can you still listen to what that individual has to say and be objective about what that person has to say?

PROSPECTIVE JUROR #046: Yes.

MS. LUZAICH: So, for example, you won't automatically disbelieve everything they say simply because of that?

PROSPECTIVE JUROR #046: No.

MS. LUZAICH: What about somebody who makes really, really poor decisions; decisions that you would never make, your sister or your wife would never make. Can you still be objective about that person?

PROSPECTIVE JUROR #046: Yes.

MS. LUZAICH: Do you think that an individual who exchanges sex for money could have a reason for doing that?

PROSPECTIVE JUROR #046: Yes.

MS. LUZAICH: Not out of the realm of possibility in your mind?

PROSPECTIVE JUROR #046: No.

MS. LUZAICH: Thank you.

Mr. Nober – Naber.

PROSPECTIVE JUROR #045: Nabor [pronounces name].

MS. LUZAICH: Nabor, sorry.

PROSPECTIVE JUROR #045: That's okay.

MS. LUZAICH: Like – Torres, Mr. Torres.

PROSPECTIVE JUROR #045: Yes.

MS. LUZAICH: Like I said, my handwriting is terrible. What do you think about that, can you objectively listen to an individual who is going to tell you that at some point in their life, they exchanged sex for money?

PROSPECTIVE JUROR #045: Yes.

MS. LUZAICH: In your mind can that person still be the victim of a sexual assault?

PROSPECTIVE JUROR #045: Absolutely.

MS. LUZAICH: What about the individual who makes extremely poor choices?

PROSPECTIVE JUROR #045: Meaning?

MS. LUZAICH: Can you listen to –

PROSPECTIVE JUROR #045: Oh.

MS. LUZAICH: -- and be objective –

PROSPECTIVE JUROR #045: Yes.

MS. LUZAICH: -- to what that person has to say?

PROSPECTIVE JUROR #045: Yes.

MS. LUZAICH: Is there anybody over here [indicating] that can't listen objectively to an individual who is going to tell you that they had exchanged sex for money at some point? A couple of people are not – shaking their heads no. Mr. Capeno, did I get that right; Capitanio?

PROSPECTIVE JUROR #047: Yeah.

MS. LUZAICH: You – the other people shook their heads no, you kind of –

PROSPECTIVE JUROR #047: No, no.

MS. LUZAICH: What do you think about individuals who exchange sex for money?

PROSPECTIVE JUROR #047: I have no problem with it, whatever, I mean. It's illegal but if they need to do it and have reasons, I'm sure they have their reasons.

MS. LUZAICH: Okay. You can still be objective and listen to what that person has to say?

PROSPECTIVE JUROR #047: Yeah, definitely.

MS. LUZAICH: Thank you.

Ms. Spaur, you're an attorney, I doubt you've ever dealt with somebody who has exchanged sex for money along those lines. You just do civil, right?

PROSPECTIVE JUROR #049: Right.

MS. LUZAICH: What do you think being a civil attorney would do or would it help you or hurt you being a juror?

PROSPECTIVE JUROR #049: I mean I think the only thing about being an attorney would help me as juror is that I understand that, you know, I want jurors to be objective about the testimony that's presented. I want them to keep an open mind throughout the entirety of the case until both sides have been presented and, you know, both sides have rested their cases.

So, you know, I would hope that I could be the kind of juror that I would want on a jury if I was trying the case, just because I know what the responsibilities are for both sides and I know what is at stake.

MS. LUZAICH: Are you a litigator?

PROSPECTIVE JUROR #049: Yes.

MS. LUZAICH: Have you tried cases to a jury?

PROSPECTIVE JUROR #049: Once. We settle mostly. But I have tried once, one case in California.

MS. LUZAICH: Okay. Oh, in California?

PROSPECTIVE JUROR #049: Yes.

MS. LUZAICH: Okay. Well, clearly, you know the burden of proof is different in civil law –

PROSPECTIVE JUROR #049: right.

MS. LUZAICH: -- than here. The law is different in California than here.

PROSPECTIVE JUROR #049: Yes. And that was a product liability case so it was far, far and wide from a criminal case, so.

MS. LUZAICH: Do you remember anything from law school, criminal law?

PROSPECTIVE JUROR #049: Vaguely. You know, I – law school was awhile ago, but I got licensed in Nevada more recently and I had to take the bar here too, so.

MS. LUZAICH: Whatever it is you know about criminal law will you forget it and only follow the law that the Court reads to you?

PROSPECTIVE JUROR #049: Absolutely. That's the other thing as a lawyer I know that the only law I'm supposed to bring to deliberations is the law that's presented to me by the Court and I don't – honestly, I don't think I remember enough to add my own, but I wouldn't anyway 'cause it's just what's presented as the law we're supposed to be following here.

MS. LUZAICH: Okay. Thank you.

Ms. Fried, you had said – and, I'm sorry, this is the part where I upset

people. You had mentioned yesterday that your mom had been molested.

PROSPECTIVE JUROR #050: Um-huh.

MS. LUZAICH: You said she told her parents and the parents did nothing. They slipped it under the rug.

PROSPECTIVE JUROR #050: Yeah.

MS. LUZAICH: How – how did that – like when she was describing it to you did that – did it seem like she was angry about that?

PROSPECTIVE JUROR #050: Very. She holds – she still holds a lot of resentment to this day against her parents.

MS. LUZAICH: Were you surprised that happened?

PROSPECTIVE JUROR #050: Yeah.

MS. LUZAICH: That they didn't do anything about it.

PROSPECTIVE JUROR #050: Um – oh, that they didn't do anything? Not really. I know my grandparents and they, you know.

MS. LUZAICH: Did she indicate was it a one-time thing or more than once?

PROSPECTIVE JUROR #050: It was multiple times, yeah.

MS. LUZAICH: Did she tell immediately or was it later that she told?

PROSPECTIVE JUROR #050: Later on, after she was talking to her cousin who it also happened to.

MS. LUZAICH: Do you know how she found out that it had happened to her cousin?

PROSPECTIVE JUROR #050: That I do not recall. I take the bits of information that she has given me, I do not pry into the situation, because – can I have permission to approach the bench, please?

THE COURT: You may.

MS. LUZAICH: Oh, of course.

THE COURT: You may.

[Bench conference transcribed as follows:]

PROSPECTIVE JUROR #050: I just –

THE COURT: Okay. Just a minute.

PROSPECTIVE JUROR #050: Okay.

THE COURT: Good morning, Ms. Fried is present, badge number –

PROSPECTIVE JUROR #050: 50.

THE COURT: All four lawyers are present. Go ahead.

PROSPECTIVE JUROR #050: My mother tried to kill herself when I was 16 years old.

THE COURT: When you?

PROSPECTIVE JUROR #050: When I was 16 –

THE COURT: I'm sorry.

PROSPECTIVE JUROR #050: -- because of the psychological.

THE COURT: Oh, I'm sorry.

PROSPECTIVE JUROR #050: And I didn't know this until, I mean I – about I was 23 when I finally found out everything. And she was used to tell us that she was going bowling, when I was younger, but she was really going to therapy. And it's not something I want to discuss in front of, you know –

MS. LUZAICH: Of course.

THE COURT: Sure, sure.

PROSPECTIVE JUROR #050: -- people, so. Just – it's hard.

MS. LUZAICH: Okay. Thank you very much.

THE COURT: Okay. So that was kind of why you don't talk about it a lot with

your mom?

PROSPECTIVE JUROR #050: Yeah.

THE COURT: Okay.

PROSPECTIVE JUROR #050: I mean it's not something she brings up. She, you know, a very private person and I – my brother didn't even know about it, so.

MS. LUZAICH: Until?

PROSPECTIVE JUROR #050: Maybe six months ago, I think. And my brother is older than me, so.

THE COURT: Okay. Are there any other questions?

MS. LUZAICH: I won't ask any more questions about that.

THE COURT: Do you have any questions of this particular –

MS. ALLEN: I don't.

THE COURT: Okay. Thank you very much.

[Bench conference concluded]

MS. LUZAICH: And, Mr. Bell, you had mentioned that your best friend and his sister had been abused by their parents. How old were you when you found out that that was going on?

PROSPECTIVE JUROR #046: Twelve, 13, 14, somewhere around there.

MS. LUZAICH: Had it been going on for awhile before you knew –

PROSPECTIVE JUROR #046: I don't –

MS. LUZAICH: -- or did your friend tell you right away?

PROSPECTIVE JUROR #046: I'm not sure. He didn't necessarily tell me. I saw physical abuse, actually the mother to the father multiple times while we were there. And then his father committed suicide and I witnessed a lot of disturbing incidents with his mother when she was finally committed. Then we took him into

our family.

MS. LUZAICH: So a lot of things were going on and even your best friend didn't tell you about it?

PROSPECTIVE JUROR #046: Yeah.

MS. LUZAICH: And then you had mentioned that your brother and his ex-wife, their children were removed. Did you personal – was it CPS that removed them?

PROSPECTIVE JUROR #046: Yeah, I believe so.

MS. LUZAICH: Did you have any contact with CPS arising out of that incident?

PROSPECTIVE JUROR #046: I don't remember. I might have had to write some statements where I think my mom was little bit more forthcoming in a lot of that stuff because she immediately tried to take charge of the kids before they went into the system.

MS. LUZAICH: And was that here in Clark County?

PROSPECTIVE JUROR #046: Yes.

MS. LUZAICH: Do you know – did your mom have an okay experience with CPS?

PROSPECTIVE JUROR #046: I believe so. I believe so. She took them on for quite awhile. She still has one and then – and the other one was reverted back to the mother.

MS. LUZAICH: Okay. Thank you very much.

PROSPECTIVE JUROR #046: Um-huh.

MS. LUZAICH: Ms. Stammetti, I'm sorry, you had mentioned that your mom had an issue with her brother. Was that ever reported?

PROSPECTIVE JUROR #020: Oh, I'm sure not. I mean reported, she told –

MS. LUZAICH: To police or any –

PROSPECTIVE JUROR #020: She told her dad and I know she told my dad.

MS. LUZAICH: And did anything get done about it?

PROSPECTIVE JUROR #020: No, he told – I guess he just told my uncle to leave his sister alone and go somewhere else.

MS. LUZAICH: Okay. Do you have any kind of relationship with your uncle?

PROSPECTIVE JUROR #020: Oh, no, I only met him once.

MS. LUZAICH: So he's just out of the family essentially or away from –

PROSPECTIVE JUROR #020: Well and he passed away in the '70s –

MS. LUZAICH: Oh, oh.

PROSPECTIVE JUROR #020: -- like I only met him one time.

MS. LUZAICH: Oh, okay. You had mentioned that your best friend and her sister also had been molested. Did she tell you? How did you find out?

PROSPECTIVE JUROR #020: She told me.

MS. LUZAICH: Was it something that happened one time or was ongoing?

PROSPECTIVE JUROR #020: Ongoing.

MS. LUZAICH: Did she tell you like the first time it happened or later or years later?

PROSPECTIVE JUROR #020: No, it was years later. I didn't know her at the time.

MS. LUZAICH: Oh, okay. So your friend now –

PROSPECTIVE JUROR #020: Yes.

MS. LUZAICH: -- when she was young had been.

PROSPECTIVE JUROR #020: Yes.

MS. LUZAICH: Do you know, did she tell anybody? Did it get reported?

PROSPECTIVE JUROR #020: She told a counselor, yeah.

MS. LUZAICH: Counselor at school?

PROSPECTIVE JUROR #020: Um-huh, yes.

MS. LUZAICH: Did it get reported? Did the police get involved?

PROSPECTIVE JUROR #020: I don't know.

MS. LUZAICH: So you don't know if there was an investigation –

PROSPECTIVE JUROR #020: I don't know.

MS. LUZAICH: -- or anything like that? Thank you.

Ms. Lewis, you okay?

PROSPECTIVE JUROR #037: Yes.

MS. LUZAICH: You talked about some domestic violence in the home?

PROSPECTIVE JUROR #037: Um-huh.

MS. LUZAICH: You said that your mom and your dad both had an interesting relationship. Did that get reported?

PROSPECTIVE JUROR #037: Yeah. It was my mom that would just – she wasn't like a serial abuser or anything like that, it was just when she would freak out randomly and not every time it wouldn't be reported. They would settle it on their own or my dad didn't know about a lot of it until I was a lot older and I told him. When she would hit him, he would just leave the house to stop it. When she would hit me, I would run away for the day or tell – once I finally started telling people then, yeah, or if the neighbors heard us. I mean it could get –

MS. LUZAICH: They would call the police.

PROSPECTIVE JUROR #037: -- very loud; so, yeah.

MS. LUZAICH: You said that there was an arrest or two at some point?

PROSPECTIVE JUROR #037: Um-huh, yes.

MS. LUZAICH: Did she go to court?

PROSPECTIVE JUROR #037: No. We grew up in a very small town –

MS. LUZAICH: Small town.

PROSPECTIVE JUROR #037: -- so it was just pushed down. My dad never pressed charges. It would – she would get arrested, she would come home.

MS. LUZAICH: You had something about separated for a few months.

PROSPECTIVE JUROR #037: Well, yeah. So she would always – if she didn't get her way or if he didn't apologize that she flipped out for whatever reason that made her mad, she would leave the house for a couple of months and go live with boyfriends or my uncles or whoever she wanted to go live with. And then once things got tough for her, she would come back to my dad and he'd take her in and the cycle would start all over.

MS. LUZAICH: Cycle. Okay. That's what I was going to ask you, so you're familiar with the cycle.

PROSPECTIVE JUROR #037: It's definitely a cycle; definitely.

MS. LUZAICH: Okay.

PROSPECTIVE JUROR #037: Definitely.

MS. LUZAICH: You had also mentioned that when you were 17 a little bit of assault, trespass. But you said that the police officer thought you had a good reason for doing it? I'm – what was the reason?

PROSPECTIVE JUROR #037: Okay. I had, even though I was only 17, I had had a boyfriend for five years steady. And he cheated on me with another girl. The girl was married. She was following me around town, again lived in a very small town. Every time I would stop or go to the store, she would follow me wherever I

went. I had a really fast car, so I'd turn it around, then start following her. She'd run to her husband. So by the third time I just got out of the car and I told her husband, tell her to leave me alone, keep her at home; get her away from me. I'm telling you I'm losing it, you know, I'm getting angry.

Well, he didn't keep her at home, she followed me a fifth time or fourth time and I got out – she parked on his property. I stepped foot on his property, I assaulted her. And the only reason I assaulted her, I wasn't going to do anything, but she turned to me and said I just F'd your boyfriend.

MS. LUZAICH: Oh.

PROSPECTIVE JUROR #037: And I went okay and nailed her in the face a few times. And then when the cop arrested me, he asked me why did you do it and I saw that he was wearing a wedding band and I asked him, what would he do if a man just walked up and said that to him? And he goes, all right. She was also very well-known in the town, had been to court several times over starting the same kind of fights. So –

MS. LUZAICH: She was busy.

PROSPECTIVE JUROR #037: She was – yeah. But the judge knew her and, actually, when we entered the courtroom, he thought she was the defendant, as usual. And when he saw that she was the plaintiff he had said, oh, if you were the defendant again, you would have been gone. So everybody, everybody knew her. And everybody knew me as being a good kid for the most part. So I did get sentenced. I did get a fine. I did get community service. But, again, the officer was very – a very good person and he got my record expunged and I didn't have to do any of that or serve anything, so.

MS. LUZAICH: Okay. So you had a lot of excitement in your young life?

PROSPECTIVE JUROR #037: Yes, I did.

MS. LUZAICH: What do you think about individuals who exchange sex for money?

PROSPECTIVE JUROR #037: I think everybody has a reason for doing something. Unfortunately, sometimes they are pressured or pushed or have lost all hope and that might be their only means to survive.

MS. LUZAICH: So assuming you hear something like that from somebody can you still listen to what that person has to say objectively?

PROSPECTIVE JUROR #037: Yes, I can.

MS. LUZAICH: You wouldn't automatically disbelieve what they say, simply because they had at some point in their time exchanged sex for money?

PROSPECTIVE JUROR #037: No, I won't.

MS. LUZAICH: Can that person still in your mind be the victim of a sexual assault?

PROSPECTIVE JUROR #037: Definitely.

MS. LUZAICH: What about individuals who make really, really poor choices?

PROSPECTIVE JUROR #037: Well, they're stupid but they're human.

MS. LUZAICH: Are they still entitled to the same protection of the law as you have?

PROSPECTIVE JUROR #037: Yes, they are.

MS. LUZAICH: Thank you.

Ms. Randolph, what do you think about that?

PROSPECTIVE JUROR #033: I agree too. They still deserve the same protection of the law. I see a lot of people where I work at that come from all types of backgrounds and just because I might not agree with their lifestyle doesn't mean I

would disbelieve them if they reported something to me or said something to me.

MS. LUZAICH: Okay. Thank you.

Mr. Greenwood, what about you?

PROSPECTIVE JUROR #030: Pretty much in the same boat. If someone wants to exchange sex for money that's – you can't judge them on, you know, just on that, you know. Different people come from different places and circumstances or different for different – you don't know how that person was brought up and why they're doing that. But you can still believe them if it's something else.

MS. LUZAICH: Okay. So you can still at least listen to what they have to say objectively?

PROSPECTIVE JUROR #030: Yes.

MS. LUZAICH: You would take it into consideration, of course, but you wouldn't automatically disbelieve what they have to say?

PROSPECTIVE JUROR #030: Oh, no, just – they can – anybody can tell a lie, I mean or tell the truth. They just – that doesn't characterize the type person they are.

MS. LUZAICH: Okay. Thank you. You had mentioned you were in the Navy?

PROSPECTIVE JUROR #030: Yes, ma'am.

MS. LUZAICH: What did you do in the Navy?

PROSPECTIVE JUROR #030: Was a machinist mate second class. I worked in the engine room on one ship and on another ship forklift and elevator mechanic.

MS. LUZAICH: For how long were you in the service?

PROSPECTIVE JUROR #030: Ten years.

MS. LUZAICH: Did you ever have occasion to sit on or participate in any way in a Court Martial and Article 15, is that what it is?

PROSPECTIVE JUROR #030: No.

MS. LUZAICH: I always get the number wrong.

PROSPECTIVE JUROR #030: No.

MS. LUZAICH: Nothing like that?

PROSPECTIVE JUROR #030: No, ma'am.

MS. LUZAICH: So nothing investigative or anything like that?

PROSPECTIVE JUROR #030: No, I wasn't part of that. I did work at the brig in my second –

MS. LUZAICH: What did you do there?

PROSPECTIVE JUROR #030: I was a guard.

MS. LUZAICH: As a pseudo prison guard –

PROSPECTIVE JUROR #030: Correct.

MS. LUZAICH: -- what did you do on a daily basis?

PROSPECTIVE JUROR #030: I was part of receiving and release, which was – they would bring the individuals, the military individuals off the street and I was the guy who checked them in and did strip search on them and give them the urinalysis and then sent them up to block.

MS. LUZAICH: For how long did you do that?

PROSPECTIVE JUROR #030: Four years.

MS. LUZAICH: Okay. Thank you.

Mr. Allen, what do you think about individuals who exchange sex for money?

PROSPECTIVE JUROR #028: I believe it depends on their circumstances.

I'm open-minded. They probably had their reasons for doing that.

MS. LUZAICH: I mean, clearly, it's wrong; it's illegal.

PROSPECTIVE JUROR #028: Right.

MS. LUZAICH: But can you still listen to what the person who tells you that has to say and at least be objective about what they have to say?

PROSPECTIVE JUROR #028: Yes, I think so.

MS. LUZAICH: Can an individual who tells you that at some point in their life they exchanged sex for money, can that person still be the victim of a sexual assault –

PROSPECTIVE JUROR #028: Oh, definitely.

MS. LUZAICH: -- in your mind?

PROSPECTIVE JUROR #028: Yes.

MS. LUZAICH: Is there anybody over here [indicating] who does not believe that somebody who has at some point in their life exchanged sex for money can later be a victim of sexual assault? Anybody not believe that that's possible? Anybody; anybody?

Is there anybody who thinks that just because somebody does something incredibly foolish that they are not entitled to the same protection under the law that you and I are? A lot of people are shaking their heads no.

As – who here watches CSI? Oh, come on, lots of people; everybody watches CSI, don't they? So would it surprise you if I tell you CSI is fake? There is nothing real about CSI.

PROSPECTIVE JUROR #028: no.

MS. LUZAICH: A lot of people are laughing. Is there anybody here that thinks CSI is real? So nobody is expecting somebody to come here and say that

they went to the house that we talked about and they sucked all the air out of it and, therefore, they found this little piece of semen or something like that from ten years ago that's going to make or break the case. Nobody is expecting to hear anything like that, right?

As jurors what you are doing in this case is you're going to listen to all of the witnesses. You're going to see any evidence that is admitted. And, then, you're going to go in the back and deliberate. And while you're deliberating in the back for there to be a verdict, you have to be unanimous. So what happens, Ms. Mandel if you're in the back and you're deliberating and 11 people feel one way and 1 – you feel the other way, doesn't matter which way, but 11 people feel one way and you feel the other way; what are you going to do?

PROSPECTIVE JUROR #041: Well, certainly, I'm listening to the other 11 people. Obviously, I've missed something if there's eleven and there's just me, but I also am pretty certain about – on my convictions and my understanding and my ability to listen. So I don't think my job as a juror is to convince people to come onto my side, but you know, I am open-minded enough that maybe I missed something.

MS. LUZAICH: You said, obviously, I missed something. Why? Why would it have to be you? Why couldn't the other 11 have missed something?

PROSPECTIVE JUROR #041: Well, I mean – you're absolutely right. And if I was egotistical in that nature to believe that I was so centric around everything is right because of me, then I would certainly have that thought but I'm not. And I'm also not of a school where I'm believe I'm right all the time.

MS. LUZAICH: Okay. Well, good. Thank you.

Mr. Carlyn, what about you? It's 11 to 1 and you're the one. What are you going to do?

PROSPECTIVE JUROR #023: I'd probably, I guess, talk to them about why I think that. But I mean if 11 people are going against me, I'm pretty sure just like she said I missed something. But I would talk about it, why, you know why am I – why I'm saying that, you know. Why am I the one person?

MS. LUZAICH: And you would talk about it. Well, if you're sure, will you stick to your guns?

PROSPECTIVE JUROR #023: Yeah, why not?

MS. LUZAICH: Oh, I don't know, you tell me.

PROSPECTIVE JUROR #023: I mean if I think I'm right and the 11 people aren't right, I'm going to stick to 'em.

MS. LUZAICH: Okay.

PROSPECTIVE JUROR #023: We're going to be back there for awhile though.

MS. LUZAICH: Okay. And what if you are positive that you're right. They can't change your mind. And it's Friday and it's five to five. Are you going to change your mind just 'cause you want to go home?

PROSPECTIVE JUROR #023: No.

MS. LUZAICH: Okay. Good. Thank you.

Miss Ross, what about yourself? It's 11 to 1, what are you going to do?

PROSPECTIVE JUROR #075: I mean we – just like the two of them said, I mean obviously there's something that was missed or maybe they missed something that I caught or I mean we'd have to discuss it and talk about it.

MS. LUZAICH: Okay. Everybody says that it's something you missed. Is it possible that maybe somebody misheard something? You didn't miss it, you just misheard something?

PROSPECTIVE JUROR #075: Possibly.

MS. LUZAICH: Or is it possible that you just disagree?

PROSPECTIVE JUROR #075: That as well.

MS. LUZAICH: What are you going to do? Are you going to stick to your guns?

PROSPECTIVE JUROR #075: Yes. I mean –

MS. LUZAICH: If you're sure. If you're sure that you're right will you stick to your guns?

PROSPECTIVE JUROR #075: If I'm 100 percent sure that I'm right then yes.

MS. LUZAICH: All right. Now, we can't talk about I can't, at least talk about numbers here. But is that what it would take for you a hundred percent sure?

PROSPECTIVE JUROR #075: Yes. I'd have to be absolutely positive that I was sure.

MS. LUZAICH: To fight the others?

PROSPECTIVE JUROR #075: Yes.

MS. LUZAICH: Okay. Can you – well, will you at least try and convince them of your point of view?

PROSPECTIVE JUROR #075: I would. I would let them know what I was thinking, yes, absolutely.

MS. LUZAICH: Okay. You wouldn't leave or you wouldn't fold just 'cause it's Friday and it's five to five?

PROSPECTIVE JUROR #075: No.

MS. LUZAICH: Mr. Kamaunu, what about you, 11 to 1?

PROSPECTIVE JUROR #009: The same thing like them.

MS. LUZAICH: Are you going to think that you missed something?

PROSPECTIVE JUROR #009: No, but I probably want them to explain to me, I mean not explain to me, make me see what they see. Maybe I'm not seeing what they seeing, you know.

MS. LUZAICH: Okay. Remember we talked about different perspectives. Different people have different perspectives?

PROSPECTIVE JUROR #009: Yeah.

MS. LUZAICH: Do you think that you might view witnesses differently than the others do?

PROSPECTIVE JUROR #009: Yeah.

MS. LUZAICH: And is that something that could make you feel one way and them feel another way?

PROSPECTIVE JUROR #009: Yeah.

MS. LUZAICH: Will you stick to your guns if you're sure?

PROSPECTIVE JUROR #009: Uh –

MS. LUZAICH: You know, there's no right or wrong answer ever –

PROSPECTIVE JUROR #009: Oh, I know it. I don't know because –

MS. LUZAICH: -- just truthful answers, that's all.

PROSPECTIVE JUROR #009: -- they might show me something that – you know what I mean?

MS. LUZAICH: Right. That's what I said –

PROSPECTIVE JUROR #009: Yeah.

MS. LUZAICH: -- if you're sure. If they can't show you something. If they can't give you a reason to change your mind, are you going to stick to your guns?

PROSPECTIVE JUROR #009: Yeah.

MS. LUZAICH: Okay. Ms. Haber, what about yourself, 11 to 1?

PROSPECTIVE JUROR #024: Well, I would ask them, you know to tell me why they come to the conclusion that they came to. I would explain why I came to the conclusion I came to. If I still feel the same way that they can't change my mind, then I'm going to stick to what I believe.

MS. LUZAICH: Okay. Even if it's Friday, it's five to five?

PROSPECTIVE JUROR #024: Yes.

MS. LUZAICH: But it is possible that they would be able to either point to something or –

PROSPECTIVE JUROR #024: Anything is possible.

MS. LUZAICH: Anything is possible. Anybody disagree with that, anything is possible?

Is there anybody who for whatever reason religious, philosophical, moral, is there anybody who cannot sit in judgment? Is there anybody who has any – anything about themselves that would prevent them from being able to sit in judgment?

As jurors, you're going to listen to the evidence and decide if the State has proven its case beyond a reasonable doubt. If at the conclusion of all the evidence, the testimony, if you are convinced that the State has proven its case, is there anybody who just couldn't say the word guilty for whatever reason? Is there anybody who could not say the word guilty?

Thank you. The State would pass the panel for cause, Judge.

THE COURT: Ms. Allen, you may voir dire the jury panel.

MS. ALLEN: Thank you, Your Honor.

If I may inquire about what time do we think we're breaking? Just so I can gauge.

THE COURT: Probably about 45 minutes.

MS. ALLEN: Forty-five minutes.

THE COURT: Is that okay?

MS. ALLEN: Oh, sure; of course.

THE COURT: I mean you're not limited –

MS. ALLEN: I understand.

THE COURT: -- to 45 minutes.

MS. ALLEN: Thank you.

All right. Good morning still. I think it's before noon, is it? I don't have a watch.

MR. MAC ARTHUR: 11:47.

MS. ALLEN: How is everybody doing? [Prospective jurors respond in the affirmative]. It's nice to meet all of you.

As Ms. Luzaich said yesterday, we're all just looking for a fair jury. You all see like very conscientious people. Mr. MacArthur and I have sat over there very impressed. And thank you for all your answers.

I just want to follow-up on some of the things that Ms. Luzaich asked. I hope I won't be very long, but we will see. I think she asked you something about CSI and do you watch CSI and a couple of people raised their hands.

I had a friend that used to ask juries, you don't expect someone to produce like a fingerprint in water, right? The ridiculousness of that; right. And she asked some questions about evidence and couldn't evidence simply just be from testimony. Does anybody here think evidence can't just be from someone speaking? If I tell you the light was red, the light was red and that's enough evidence, right? You don't have to actually see the triple light being red. Does any-

body disagree with that? No? No responses? Anyone? Okay.

And you very well over the next week and a half may – you may not see any DNA evidence and would that bother anybody? No? No one. Okay.

Anybody back here [indicating], I don't want to exclude you. Does that bother anybody? All right. No responses.

This is when you – well, let me start off with this, so you're sitting here and Ms. Rhoades stood up and she started reading off the charges or she started describing some of the charges. And how many people here did the sexual assault actually stick in your mind? Like you can't probably remember the rest of what she said, but do you all remember the sexual assault? Can anybody here remember any of the other things she said?

UNIDENTIFIED PROSPECTIVE JUROR: Domestic violence.

MS. ALLEN: Okay. Let's go. Where's the microphone? Okay. If you could just pass it down. Is It Mr. Greenwood.

PROSPECTIVE JUROR #030: Yes, ma'am.

MS. ALLEN: Mr. Greenwood, all right. So you remember some of the other charges?

PROSPECTIVE JUROR #030: Correct.

MS. ALLEN: Okay. Did the sexual assault immediately hit you?

PROSPECTIVE JUROR #030: It – yeah, it hit you.

MS. ALLEN: Okay. All right.

PROSPECTIVE JUROR #030: It's the biggie.

MS. ALLEN: That's the biggie, okay.

PROSPECTIVE JUROR #030: Oh, yeah.

MS. ALLEN: Does it bother you?

PROSPECTIVE JUROR #030: Does it? It doesn't bother me individually as a person.

MS. ALLEN: Okay. All right. Well, yeah, obviously, you're not – sorry. I'm talking and I get thirsty. You're not the victim obviously and so – or the alleged victim obviously, so – but did the idea that you had to sit here and listen to facts related to a sexual assault bother you?

PROSPECTIVE JUROR #030: No.

MS. ALLEN: Does it bother you more that the victim may be a child?

PROSPECTIVE JUROR #030: Um –

MS. ALLEN: Or does it bother, not more, but does it bother you?

PROSPECTIVE JUROR #030: Well, no, a daughter or a child shouldn't have to go through anything like that.

MS. ALLEN: Okay. All right. So just a sexual is you're like that's fine, but if it's a child that sort of ups the ante for you?

PROSPECTIVE JUROR #030: It does.

MS. ALLEN: Okay. In that same vein, you were asked questions about children disclosing.

PROSPECTIVE JUROR #030: Correct.

MS. ALLEN: Do you think that a child can lie about something like that?

PROSPECTIVE JUROR #030: Yes.

MS. ALLEN: Okay. Do you think that they could lie about a sexual assault?

PROSPECTIVE JUROR #030: Yes.

MS. ALLEN: Okay. Are you on Facebook?

PROSPECTIVE JUROR #030: I am.

MS. ALLEN: And Twitter and –

PROSPECTIVE JUROR #030: Yes.

MS. ALLEN: -- all that stuff? Okay. So you – social media.

PROSPECTIVE JUROR #030: Correct.

MS. ALLEN: Okay. Do you think social media has put – social media – and not just social media in those things, but television, the Kardashians, all of that; do you think that has sort of pushed sex upon this newer generation of kids? Like the kids let's say 21 and younger? Would you agree with that?

PROSPECTIVE JUROR #030: Push? Pushing sex? Not so much as pushing sex –

MS. ALLEN: It's more in the foreground.

PROSPECTIVE JUROR #030: -- but pretty much just how to act, how to dress, what's cool, who to hang out with and that stuff.

MS. ALLEN: What about the sex tapes that come out? Like, I think, Paris Hilton or something, one of them, like Kim Kardashian, one of them; I don't know; whatever. One of them –

PROSPECTIVE JUROR #030: Both of them.

MS. ALLEN: -- they come out with the sex – so you know more than I do.

PROSPECTIVE JUROR #030: Both of them, yeah.

MS. ALLEN: I hide. I hide from this. But would you agree that things like that let's say they didn't happen 20 years ago. Did they happen when you were growing up? Do you recall when you were growing up a celebrity and I say celebrity in quotes because really –

PROSPECTIVE JUROR #030: Right.

MS. ALLEN: -- but, you know, do you recall them ever – a sex tape coming out?

PROSPECTIVE JUROR #030: No.

MS. ALLEN: Okay.

PROSPECTIVE JUROR #030: No.

MS. ALLEN: So would you agree with me then that sex is more talked about and discussed?

PROSPECTIVE JUROR #030: It is.

MS. ALLEN: Okay. Right. So it's a lot easier for children to access this information as well, right?

PROSPECTIVE JUROR #030: The Internet age, gen jetter thing.

MS. ALLEN: Okay. Right. And if you're not a parent who's like literally on your kid when they're on the Internet or whatever, they can access the view in anything?

PROSPECTIVE JUROR #030: Correct.

MS. ALLEN: Okay. So information about sex is readily accessible to just about anybody, is that right, these days?

PROSPECTIVE JUROR #030: Yes, ma'am.

MS. ALLEN: Okay. And much easier, more so, than when we were kids –

PROSPECTIVE JUROR #030: Yes, ma'am.

MS. ALLEN: -- right? Like 30 years ago you had to go to a library or something right?

PROSPECTIVE JUROR #030: Exactly.

MS. ALLEN: Okay. All right.

PROSPECTIVE JUROR #030: National Geographic.

MS. ALLEN: National Geographic, perfect. Okay. All right. Let's see. Do you – you have two boys?

PROSPECTIVE JUROR #030: Yes, ma'am.

MS. ALLEN: So the luck that you had in your house is that you didn't have a lot of drama?

PROSPECTIVE JUROR #030: Sure.

MS. ALLEN: All kinds of drama. Okay. So you had two boys. Do you think that children have different priorities than you do?

PROSPECTIVE JUROR #030: Different priorities? I don't know, a kid pretty much looks out for himself.

MS. ALLEN: Well, what I'm saying is do you think a 12-year-old has different priorities than a 25-year-old?

PROSPECTIVE JUROR #030: Yes.

MS. ALLEN: Okay. So would you agree that a 12-year-old is concerned about, like, friends and school and maybe if they're going to a dance?

PROSPECTIVE JUROR #030: Correct.

MS. ALLEN: Okay. Whereas maybe a 20 -- , hopefully a 25-year-old is concerned about getting a job and being responsible?

PROSPECTIVE JUROR #030: Right.

MS. ALLEN: Okay. And would you agree that 12 year olds or 15 year olds maybe don't handle their priorities as well, they don't handle those priorities as well?

PROSPECTIVE JUROR #030: Correct.

MS. ALLEN: Okay. They don't maybe see the consequences for their actions?

PROSPECTIVE JUROR #030: Correct.

MS. ALLEN: Okay. And so if they want to go, I don't know if you had – you had boys so they're not nearly as dramatic, but if they wanted to do something, then

children don't have a problem lying in order to get that, right? They don't necessarily see the consequences of that?

PROSPECTIVE JUROR #030: Correct.

MS. ALLEN: Okay. All right. Let's see. And just lastly, and then I'll leave you alone for the day, you might actually be done. As I sit over here as defense attorney, my concern would be your understanding of how the system works. I'm not going to go through jury instructions or anything, that's for the Judge to give you. But our system designates the burden of proof to one party in a criminal case, do you understand that?

PROSPECTIVE JUROR #030: Correct.

MS. ALLEN: Do you know who that party is?

PROSPECTIVE JUROR #030: The party of what?

MS. ALLEN: Do you know who the party – which side has the burden of proof in this case?

PROSPECTIVE JUROR #030: Yes, the prosecution.

MS. ALLEN: Those two lovely ladies right there [indicating], right?

PROSPECTIVE JUROR #030: Correct.

MS. ALLEN: Okay. And you understand that I don't have to do anything for the next two weeks?

PROSPECTIVE JUROR #030: I don't know if that's true.

MS. ALLEN: Well –

PROSPECTIVE JUROR #030: You got to do something.

MS. ALLEN: -- the bar might have a problem with me, like I might [inaudible]–

PROSPECTIVE JUROR #030: Yeah, that would be that.

MS. ALLEN: But under our system of government and under our system of

criminal justice, I have no burden in this case. Do you understand that?

PROSPECTIVE JUROR #030: Correct.

MS. ALLEN: So Mr. MacArthur, while we may not be good lawyers if we did this, we could play Tiddlywinks for the next seven days and if you don't find the State has met their burden, you understand you would select to find Mr. Harris not guilty?

PROSPECTIVE JUROR #030: Exactly.

MS. ALLEN: You can hate us, but you would still have to find Mr. Harris not guilty?

PROSPECTIVE JUROR #030: Right.

MS. ALLEN: Okay. And do you understand or do you have a problem with that idea that we have no burden?

PROSPECTIVE JUROR #030: Oh, no. He'd have to be proven guilty.

MS. ALLEN: Well –

PROSPECTIVE JUROR #030: You're innocent; you got to be proven guilty.

MS. ALLEN: Okay. Well, I have had a number of jurors say, well, they expect that they would hear from us or they expect that we would call witnesses. And I can tell you that we are but there may be – I wouldn't have to, you understand that?

PROSPECTIVE JUROR #030: Correct. Just like a person doesn't have to speak at their own trial. They don't have to say nothing.

MS. ALLEN: Okay. So you understand then that Mr. Harris may or may not testify?

PROSPECTIVE JUROR #030: Yeah, that's fine.

MS. ALLEN: Okay. And there could be reasons for that?

PROSPECTIVE JUROR #030: Yeah.

MS. ALLEN: Okay. All right. And you have no problem?

PROSPECTIVE JUROR #030: No.

MS. ALLEN: Okay. Let's see. Thank you Mr. Greenwood, I very much appreciate your time.

Mr. Allen, no relation, right? My name is Betsy Allen.

PROSPECTIVE JUROR #028: Oh. I don't think so.

MS. ALLEN: Okay. How are you?

PROSPECTIVE JUROR #028: Okay.

MS. ALLEN: Okay. So excited to be here, right?

PROSPECTIVE JUROR #028: Okay.

MS. ALLEN: When you got your jury summons did you call all your friends and family and just tell: Oh, my God, I got summonsed to sit on a jury? No?

PROSPECTIVE JUROR #028: Told my wife. She told me.

MS. ALLEN: And you start canvassing people, hey, how do I get out of this? What can I do to get out of this? No?

PROSPECTIVE JUROR #028: No. I did reschedule, though, 'cause of work.

MS. ALLEN: Oh, you had to reschedule, okay. All right.

All right. So I think I saw you nodding your head when I asked the initial question about when you heard the charges was sexual assault was that the one that really stood out to you?

PROSPECTIVE JUROR #028: Yes.

MS. ALLEN: Okay. And likewise with Mr. Greenwood does it bother you that you may hear a child come in and describe something that she alleges happened?

PROSPECTIVE JUROR #028: No, I don't think so.

MS. ALLEN: Okay. Do you believe that you have the type of personality to

not rush to judgment on this?

PROSPECTIVE JUROR #028: Yes.

MS. ALLEN: Okay. Even though it potentially is a child, right?

PROSPECTIVE JUROR #028: Right.

MS. ALLEN: Okay. And the allegations are, obviously, very serious?

PROSPECTIVE JUROR #028: Yes.

MS. ALLEN: There was some questions asked about, I think, yesterday. This was yesterday and it may have been I think in the front row about sex being something that's very private. Do you recall anything about – you probably don't even remember yesterday, do you? You just think about what was dinner was going to be when you got home, right?

PROSPECTIVE JUROR #028: No somebody made a comment about that.

MS. ALLEN: Okay. Do you agree with that that sex –

PROSPECTIVE JUROR #028: Yes, I think so.

MS. ALLEN: -- that it's a very intimate and private thing?

PROSPECTIVE JUROR #028: Yes. I'm pretty old-fashioned.

MS. ALLEN: All right. Okay. Fair enough. Would you agree – well, tell me your idea of why it is intimate and private. Do you have a reason behind that?

PROSPECTIVE JUROR #028: I would assume it's the way we were brought up to think, think that way.

MS. ALLEN: Okay. So you believe it may have come from your parents?

PROSPECTIVE JUROR #028: Right.

MS. ALLEN: Or family, if you were raised in a close-knit family?

PROSPECTIVE JUROR #028: Yes.

MS. ALLEN: Okay.

PROSPECTIVE JUROR #028: Society in general.

MS. ALLEN: Society in general, all right. Do you have children?

PROSPECTIVE JUROR #028: Yes, they're all grown.

MS. ALLEN: They're all grown. Do you remember when they were very little, vaguely?

PROSPECTIVE JUROR #028: A long time ago.

MS. ALLEN: Do you remember when – and this may or may not have occurred with you, but did you children ever strip off their clothing, like when they were 18 months old, they'd take a shirt off or they didn't have a problem with just being in a diaper? Do you recall that?

PROSPECTIVE JUROR #028: I don't recall them stripping off their clothes, but I'm sure they ran around in diapers a lot.

MS. ALLEN: Okay. Do you recall if your children – well, let me ask this, do you recall if you and your wife were the ones who instructed them on modesty?

PROSPECTIVE JUROR #028: Oh, yes.

MS. ALLEN: Okay. Do you believe modesty comes naturally with children or do you think it's something that's taught?

PROSPECTIVE JUROR #028: Oh, I think it's taught.

MS. ALLEN: Okay. Much like the intimacy of sex?

PROSPECTIVE JUROR #028: Right.

MS. ALLEN: Okay. Do you – and you believe it comes from parents or people who raise the child, is that correct?

PROSPECTIVE JUROR #028: Most of it, yes.

MS. ALLEN: Okay. So if a child were raised in such a way that it wasn't intimate –

PROSPECTIVE JUROR #028: Um-huh.

MS. ALLEN: -- that they weren't taught that sex was a private thing or that it was intimate, do you think that could make a difference?

PROSPECTIVE JUROR #028: Yes.

MS. ALLEN: What kind of difference do you think it would make?

PROSPECTIVE JUROR #028: Well, they'd have a complete different outlook and – at least until they got into school and started learning other things.

MS. ALLEN: Okay. All right.

PROSPECTIVE JUROR #028: I think –

MS. ALLEN: Do you think they would be more outwardly about it?

PROSPECTIVE JUROR #028: Yes.

MS. ALLEN: And they wouldn't have concerns about talking about it or discussing it with people, is that right?

PROSPECTIVE JUROR #028: Right, right.

MS. ALLEN: If that's how they were raised?

PROSPECTIVE JUROR #028: Yes.

MS. ALLEN: How did you – well, let me ask you this, when your kids lied to you did you know right away? Does it – do you have that parent meter, type lie meter thing, where you're just like, you know, you're lying?

PROSPECTIVE JUROR #028: Our three kids were very well-behaved. I think my wife could tell as soon as anyone of them would tell a lie.

MS. ALLEN: Okay. So your wife had it?

PROSPECTIVE JUROR #028: She – yes, she was – was – yeah, she knew what was going on with all three of them all the time.

MS. ALLEN: It's probably intuitive, isn't it?

PROSPECTIVE JUROR #028: Yes.

MS. ALLEN: It's like, oh, oh, that was no; you're lying, right? Your wife just caught it? Yes?

PROSPECTIVE JUROR #028: Yes.

MS. ALLEN: Okay. How difficult do you think it will be to judge – and it doesn't matter if it's a child or an adult – someone who sits up here [indicating] and tells you things that you've never met?

PROSPECTIVE JUROR #028: I guess that would be a judgment call to see how they present themselves. I guess it'd be pretty difficult.

MS. ALLEN: Okay. All right. Are you that guy? You want to sit here and listen to this and you believe that you're the right guy to sit and discern what people are saying and whether it's truthful or not truthful?

PROSPECTIVE JUROR #028: Yes, I'm very logical thinking.

MS. ALLEN: You are?

PROSPECTIVE JUROR #028: Yes.

MS. ALLEN: Okay. Very rational?

PROSPECTIVE JUROR #028: I think so.

MS. ALLEN: Okay.

PROSPECTIVE JUROR #028: Analytic.

MS. ALLEN: Analytic, very good. Very good. I appreciate Mr. Allen your time. Thank you very much.

Mr. Kamaunu.

PROSPECTIVE JUROR #009: Kamaunu [pronounces name].

MS. ALLEN: I'm sorry.

PROSPECTIVE JUROR #009: It's all good.

MS. ALLEN: Are you originally from Hawaii?

PROSPECTIVE JUROR #009: Yeah.

MS. ALLEN: Okay. All right. What island?

PROSPECTIVE JUROR #009: Oahu.

MS. ALLEN: Okay. And when did you move to Las Vegas?

PROSPECTIVE JUROR #009: 2003, April.

MS. ALLEN: Okay. All right. And why – I'm sure you get asked this all the time, so why would you ever move from Hawaii to Las Vegas; it's Hawaii.

PROSPECTIVE JUROR #009: Cheaper.

MS. ALLEN: Okay; right, which is probably very, very accurate. Okay. You have four daughters is that right?

PROSPECTIVE JUROR #009: Yes.

MS. ALLEN: And one son?

PROSPECTIVE JUROR #009: Yes.

MS. ALLEN: Wow, very good for you and you said two of your daughters were –

PROSPECTIVE JUROR #009: Sneaky.

MS. ALLEN: That's the word. Sneaky.

PROSPECTIVE JUROR #009: Yeah.

MS. ALLEN: Did you see that start with them very early?

PROSPECTIVE JUROR #009: No.

MS. ALLEN: You didn't? Okay. They're manipulative, I'm assuming?

PROSPECTIVE JUROR #009: Yeah.

MS. ALLEN: Okay. You have to be on the lookout for them?

PROSPECTIVE JUROR #009: Oh, yeah.

MS. ALLEN: Okay. How do you know when they're doing – when they're trying to pull a fast one? Like what is it you see in them when they're trying to pull a fast one?

PROSPECTIVE JUROR #009: When they quiet.

MS. ALLEN: Oh, yeah, that's the worst.

PROSPECTIVE JUROR #009: When I don't hear noises in the house –

MS. ALLEN: Yes. You hear nothing and –

PROSPECTIVE JUROR #009: -- something is going on.

MS. ALLEN: -- you're, oh, something is going over there –

PROSPECTIVE JUROR #009: Yeah.

MS. ALLEN: -- right. Okay. And so you have to immediately go and find out what's going on?

PROSPECTIVE JUROR #009: Oh, yeah.

MS. ALLEN: Okay. How old are these, the –

PROSPECTIVE JUROR #009: Eight and 10.

MS. ALLEN: Oh, they're dangerous –

PROSPECTIVE JUROR #009: Yeah.

MS. ALLEN: Okay. Do you take everything they say at face value or is everything sort of taken with a grain of salt?

PROSPECTIVE JUROR #009: Um –

MS. ALLEN: I mean when they tell you, oh, no, you know, it was actually –

PROSPECTIVE JUROR #009: Oh, no, no, no. I go check, yeah.

MS. ALLEN: -- um, no. Yeah, you have to go check?

PROSPECTIVE JUROR #009: Oh, yeah.

MS. ALLEN: All right. Do you feel like that would be something you could do

here, where you feel like you would listen and take everything into account and you would really look into it yourself?

PROSPECTIVE JUROR #009: Yeah.

MS. ALLEN: You laugh?

PROSPECTIVE JUROR #009: I mean, I mean --

MS. ALLEN: No, that's okay, I mean and maybe I'm not asking good questions. I understand. She said yesterday [indicating] we ask poor questions, we really do; we outtalk ourselves, which is the biggest problem.

I asked Ms. [sic] Greenwood some questions about do you think the social media –

PROSPECTIVE JUROR #009: Yeah.

MS. ALLEN: -- and, like, these celebrity things and all, do you think that contributes to –

PROSPECTIVE JUROR #009: Oh, yeah.

MS. ALLEN: All right. Okay. I need to finish it. Teenagers, even early adults sort of overly sexualize, they know a lot about what's going on?

PROSPECTIVE JUROR #009: Yes.

MS. ALLEN: Okay. So much more so than when we were younger?

PROSPECTIVE JUROR #009: Oh, yeah.

MS. ALLEN: And I'm probably a lot older than you, but much more so than when we were younger, is that correct?

PROSPECTIVE JUROR #009: Oh, yeah.

MS. ALLEN: Okay. And do you find that's a concern for you as a parent with your children? And, do you talk to them about that?

PROSPECTIVE JUROR #009: Yeah.

MS. ALLEN: It bothers you, doesn't it?

PROSPECTIVE JUROR #009: Oh, yeah.

MS. ALLEN: Yeah, okay. All right, those are hard –

PROSPECTIVE JUROR #009: Yeah.

MS. ALLEN: -- discussions to have, right?

PROSPECTIVE JUROR #009: My wife is the disci, dis –

MS. ALLEN: Disciplinarian?

PROSPECTIVE JUROR #009: Yes.

MS. ALLEN: She is? Okay.

PROSPECTIVE JUROR #009: Yeah.

MS. ALLEN: So does she rule with an iron fist?

PROSPECTIVE JUROR #009: Yes.

MS. ALLEN: She does. Oh, that's good.

PROSPECTIVE JUROR #009: Oh, yeah.

MS. ALLEN: Okay. I – okay. Do you think this access to sex – and I don't mean sex the act, I just mean sex in general; do you think this access to it has changed this generation of children? Do you think that they're just a little different –

PROSPECTIVE JUROR #009: Yes.

MS. ALLEN: -- in that regard?

PROSPECTIVE JUROR #009: Yes.

MS. ALLEN: Okay. Do you find your kids succumbing to peer pressure, if you know? I mean do you find that they have issues with that?

PROSPECTIVE JUROR #009: I know they get issues with fashion.

MS. ALLEN: Okay.

PROSPECTIVE JUROR #009: Like they got to have this shoes because

that's what everybody is wearing and –

MS. ALLEN: Okay. All right. So –

PROSPECTIVE JUROR #009: -- certain kind of jeans or, you know.

MS. ALLEN: Okay. So it's the, like, Hollister or whatever everybody is wearing in school, they got to have the same thing?

PROSPECTIVE JUROR #009: Yeah, yeah.

MS. ALLEN: Okay. Would you consider that to be sort of a form of peer pressure?

PROSPECTIVE JUROR #009: Yeah.

MS. ALLEN: Do you see your own children pressuring their siblings in that regard? Go do this. Let's do that.

PROSPECTIVE JUROR #009: Oh, yeah; yeah, yeah.

MS. ALLEN: Okay. Do you find the older ones maybe have a little more control over the younger one?

PROSPECTIVE JUROR #009: Yes.

MS. ALLEN: Okay. And they can get them to do stuff if they want? Like –

PROSPECTIVE JUROR #009: Yes.

MS. ALLEN: -- oh, we want to do this, so why don't you go do it?

PROSPECTIVE JUROR #009: Yeah, yeah.

MS. ALLEN: And you can get in trouble for it.

PROSPECTIVE JUROR #009: Or they go to the favorite; they're like, hey, go ask daddy for this.

MS. ALLEN: Oh, brilliant.

PROSPECTIVE JUROR #009: Yeah.

MS. ALLEN: Okay. So they go to the favorite, nice. Okay. And then they –

then that one comes and propositions you, okay. So would you agree then that peer pressure doesn't have to come from the outside, it can actually come internally from your – the other people in the house?

PROSPECTIVE JUROR #009: Yes.

MS. ALLEN: Okay. Ms. Luzaich asked a number of you if you automatically would believe an adult over a child and you – I think everybody universally said no.

PROSPECTIVE JUROR #009: No.

MS. ALLEN: Would you automatically believe a child over an adult?

PROSPECTIVE JUROR #009: No.

MS. ALLEN: Okay. So children – and you know obviously there's going to be some come in and talk about an allegation of sexual assault.

PROSPECTIVE JUROR #009: Yes.

MS. ALLEN: Do you believe just because it's a child it automatically happened?

PROSPECTIVE JUROR #009: No.

MS. ALLEN: Okay. You believe people can make those kinds of allegations up?

PROSPECTIVE JUROR #009: Yes.

MS. ALLEN: Sex, sex for money I think is – and do you think – the question was do you believe that people who perform sex for money are bad people I guess. And I think it was –

PROSPECTIVE JUROR #009: No.

MS. ALLEN: No. It's – prostitution is the world's oldest profession, right?

PROSPECTIVE JUROR #009: Yeah, yeah.

MS. ALLEN: Okay. It's legal in every county but two I think in the state.

PROSPECTIVE JUROR #009: Yeah.

MS. ALLEN: People who make bad decisions likewise maybe don't – they don't deserve to be treated badly or to be punished in any way for just bad decisions, right?

PROSPECTIVE JUROR #009: No.

MS. ALLEN: What about decisions that involve or what about bad decisions involving your children? What if you commit a crime against your own children?

PROSPECTIVE JUROR #009: It'd make me a bad person.

MS. ALLEN: Well, I'm just asking in general.

PROSPECTIVE JUROR #009: Oh.

MS. ALLEN: Do you think – would that – does that – is that going to affect your ability or do – when you look at that person, will that affect what they say?

PROSPECTIVE JUROR #009: Oh, if somebody did something to my children?

MS. ALLEN: Somebody – what if somebody – no, I'm talking about someone who did something to their own children.

PROSPECTIVE JUROR #009: Oh. All depends on the crime, you know.

MS. ALLEN: Okay. If it was sexual in nature, incest?

PROSPECTIVE JUROR #009: That's wrong.

MS. ALLEN: Okay. Would that affect your judgment of that person?

PROSPECTIVE JUROR #009: Yeah.

MS. ALLEN: Okay. All right. You'd look at them a little differently?

PROSPECTIVE JUROR #009: Yes, I would.

MS. ALLEN: Okay. Does incest go beyond a bad judgment call or a bad decision? Is incest beyond a bad decision for you? Is it worse than a bad decision I

guess?

PROSPECTIVE JUROR #009: Yeah.

MS. ALLEN: Okay, all right. Thank you very much.

Ms. Smith. Smith, oh, sorry, I apologize. How are you?

PROSPECTIVE JUROR #040: Fine, thanks.

MS. ALLEN: And I am sorry. How are you?

[Passing microphone]

MS. ALLEN: How are you?

PROSPECTIVE JUROR #040: I'm fine. I'm good. Thank you.

MS. ALLEN: Likewise, were you excited to get your jury summons?

PROSPECTIVE JUROR #040: Elated; I say it once again.

MS. ALLEN: Okay. You work downstairs, is that right?

PROSPECTIVE JUROR #040: Yes.

MS. ALLEN: So you must see a lot of very interesting people and things –

PROSPECTIVE JUROR #040: Yes.

MS. ALLEN: -- working downstairs? How long you been down there?

PROSPECTIVE JUROR #040: A year.

MS. ALLEN: A year. Okay. I apologize, let me go back. You have one daughter, is that right?

PROSPECTIVE JUROR #040: Yes.

MS. ALLEN: Okay. Was she – I guess there's just at this point when they're little –

PROSPECTIVE JUROR #040: Um-huh.

MS. ALLEN: -- two classifications. Was she really good and calm or was she sneaky and manipulative?

PROSPECTIVE JUROR #040: Well, um, no she was – she's a only child –

MS. ALLEN: Okay.

PROSPECTIVE JUROR #040: -- so.

MS. ALLEN: So is she more mature?

PROSPECTIVE JUROR #040: Yes.

MS. ALLEN: Okay. She –

PROSPECTIVE JUROR #040: And probably have a tendency to be a little bit more selfish 'cause she's not accustomed to sharing. So, you know, that was something that I had to really work with her on as she got older, especially – and, well, even when she was young with the toys.

MS. ALLEN: Okay. All right.

PROSPECTIVE JUROR #040: Um-huh.

MS. ALLEN: So they were mine, right?

PROSPECTIVE JUROR #040: Yeah.

MS. ALLEN: Mine.

PROSPECTIVE JUROR #040: I mean –

MS. ALLEN: Okay. All right. Do you think that – and you're coming from a little different perspective, I guess –

PROSPECTIVE JUROR #040: Um-huh.

MS. ALLEN: -- 'cause she was an only child. I do understand that.

Do you think that her priorities were a little different when she was younger, when she was 12 versus 25?

PROSPECTIVE JUROR #040: Well, I had a little – her father passed away when she was about 14.

MS. ALLEN: Um-huh.

PROSPECTIVE JUROR #040: And at 12 – her father was a singer and so at 12 was when her father discovered that – well, he told me it was time to introduce the world to her. And so I started getting her in shows and so it was a little different with her where she didn't have much play time at that age –

MS. ALLEN: Oh.

PROSPECTIVE JUROR #040: -- from 12 to present time. She's gone to school and been singing.

MS. ALLEN: Okay. When she – where did she go to school?

PROSPECTIVE JUROR #040: She went to school here.

MS. ALLEN: Oh, she did, okay.

PROSPECTIVE JUROR #040: Uh-huh, to high school here.

MS. ALLEN: High school here.

PROSPECTIVE JUROR #040: Um-huh.

MS. ALLEN: Okay. And then she's now pursuing a career in singing?

PROSPECTIVE JUROR #040: Yes, still.

MS. ALLEN: All right.

PROSPECTIVE JUROR #040: Um-huh.

MS. ALLEN: I think you said you had a prior – you had a prior issue with domestic violence, is that correct?

PROSPECTIVE JUROR #040: Yes.

MS. ALLEN: Okay.

PROSPECTIVE JUROR #040: With my second husband.

MS. ALLEN: And you were the victim in that case?

PROSPECTIVE JUROR #040: Yes.

MS. ALLEN: Okay. If you were to find out that someone had falsified a

domestic violence, would that offend you?

PROSPECTIVE JUROR #040: Offend me? No, because I know things like – of that nature can happen. So, you know, people can lie.

MS. ALLEN: Okay.

PROSPECTIVE JUROR #040: People can exaggerate. And people do a lot of things, especially when they're drunk. So, I mean, because –

MS. ALLEN: I understand.

PROSPECTIVE JUROR #040: -- I just have to speak from my personal experience with the domestic violence. It was because of my husband's drinking is what –

MS. ALLEN: Led to that.

PROSPECTIVE JUROR #040: -- led to –

MS. ALLEN: Okay.

PROSPECTIVE JUROR #040: -- the issue. If it weren't for his drinking, everything would be fine between us.

MS. ALLEN: Okay. All right. Thank you very much. I appreciate that. Thank you.

Ms. Lewis, I have to ask where did you grow up?

PROSPECTIVE JUROR #037: In a very small town called San Manuel, Arizona.

MS. ALLEN: Okay. Yeah, I thought you said you were from Arizona. But this town sounds like it could be a show, like a TV show.

PROSPECTIVE JUROR #037: Yeah, yeah, definitely.

MS. ALLEN: Put a blank in and it sounds like it could have been a TV show.

PROSPECTIVE JUROR #037: It's, you know, a small town.

MS. ALLEN: Okay. You – I think you may – I wrote down next to your name reason for doing something. You said people have reasons for doing something?

PROSPECTIVE JUROR #037: Um-huh.

MS. ALLEN: You agree with that, obviously you said that?

PROSPECTIVE JUROR #037: Yes, yes.

MS. ALLEN: Okay. Would you – let's see, so – sorry, I'm tired. Would you agree that people's reasons for doing something are not always – they're not always appropriate. They're not always good reason?

PROSPECTIVE JUROR #037: Of course, yeah.

MS. ALLEN: Okay. They can be sinister?

PROSPECTIVE JUROR #037: Yes.

MS. ALLEN: Okay. But they can be legitimate?

PROSPECTIVE JUROR #037: Yes.

MS. ALLEN: You were, I think, speaking in terms of prostitution. And that sometimes people fall down on their luck and they have to do what they have to do to survive?

PROSPECTIVE JUROR #037: Yes.

MS. ALLEN: Okay. And there's no reason to look down on people for that, is there?

PROSPECTIVE JUROR #037: No.

MS. ALLEN: Do you agree that – with the idea that the defense has no burden in this case?

PROSPECTIVE JUROR #037: Yes, I agree with that.

MS. ALLEN: You agree?

PROSPECTIVE JUROR #037: Yeah.

MS. ALLEN: Okay. Do you have a problem with it?

PROSPECTIVE JUROR #037: I would assume or I would rely on human nature being that if somebody accuses you of something, you would want to defend yourself.

MS. ALLEN: Right.

PROSPECTIVE JUROR #037: So if you were to play Tiddlywinks, I would probably not --

MS. ALLEN: Ever call me.

PROSPECTIVE JUROR #037: -- think that you had a very good case and would likely side with the other, but.

MS. ALLEN: Okay. Or, or the case could be so bad we just don't have to do anything right, necessarily?

PROSPECTIVE JUROR #037: Exactly, yeah, then it's obvious.

MS. ALLEN: Okay. So it could be either way?

PROSPECTIVE JUROR #037: Yes.

MS. ALLEN: I promise I'm not going to play Tiddlywinks. I might read or something, but – no, I'm just kidding.

You kind of hesitated on whether or not you agree with the idea that the burden is with the State. Do you expect that we would call witnesses?

PROSPECTIVE JUROR #037: I would expect that. I would hope you would.

MS. ALLEN: Okay. And if we didn't?

PROSPECTIVE JUROR #037: Again, if you didn't, I would just wonder why somebody wouldn't defend themself.

MS. ALLEN: Okay. Which leads me to Mr. Harris and whether or not he would testify. Do you think that he should?

PROSPECTIVE JUROR #037: That I don't have a problem with.

MS. ALLEN: Okay. You understand our system is you have the right not to –

PROSPECTIVE JUROR #037: Yeah.

MS. ALLEN: -- take the stand and that can't be held against you?

PROSPECTIVE JUROR #037: I do.

MS. ALLEN: Okay. So you have no problem if Mr. Harris never takes the stand?

PROSPECTIVE JUROR #037: I do not.

MS. ALLEN: All right. And there could be legitimate, perfectly legitimate reasons for something like that?

PROSPECTIVE JUROR #037: Yes.

MS. ALLEN: Okay. I apologize, do you have a child? I can't remember.

PROSPECTIVE JUROR #037: I have two.

MS. ALLEN: You have two –

PROSPECTIVE JUROR #037: Um-huh.

MS. ALLEN: -- okay. So do you think you're a reasonably good judge of –

PROSPECTIVE JUROR #037: Very good.

MS. ALLEN: Okay. Do you have that whole sixth sense?

PROSPECTIVE JUROR #037: Oh, I've got the mommy senses down, right.

MS. ALLEN: Right. So you know when they're lying?

PROSPECTIVE JUROR #037: Oh, yeah.

MS. ALLEN: Okay. What about when their friends come over, do you – are you equally as good at catching them?

PROSPECTIVE JUROR #037: Yeah. Yeah, you know the kid's characteristics and whatnot and they display different characteristics when they're

showing off for their friends.

MS. ALLEN: Okay. All right. How old are your children?

PROSPECTIVE JUROR #037: Six and eight.

MS. ALLEN: Six and eight. Does the 8-year-old get the 6-year-old to do things?

PROSPECTIVE JUROR #037: Oh, yeah.

MS. ALLEN: Okay.

PROSPECTIVE JUROR #037: Definitely.

MS. ALLEN: Peer pressure, as it were, but it's just not coming from outside?

PROSPECTIVE JUROR #037: Yeah.

MS. ALLEN: Okay. And does – gets the 6-year-old in trouble?

PROSPECTIVE JUROR #037: Well, no, I know it's coming from the 8-year-old.

MS. ALLEN: Oh, so you –

PROSPECTIVE JUROR #037: My 6-year-old is autistic, so it's pretty obvious when he's –

MS. ALLEN: When he's being put up to something.

PROSPECTIVE JUROR #037: -- being told what to do. Yeah.

MS. ALLEN: Okay. So you catch it right away?

PROSPECTIVE JUROR #037: Yeah, definitely.

MS. ALLEN: Okay. All right. Your 6-year-old probably doesn't really have the ability to lie very well.

PROSPECTIVE JUROR #037: He tries to you know.

MS. ALLEN: Does he?

PROSPECTIVE JUROR #037: He tried – again, the sneaky, the silly sneaky

part of it; but, no, he's not able to. I can always definitely tell when he's not telling the truth.

MS. ALLEN: Is the 8-year-old a –

PROSPECTIVE JUROR #037: A girl.

MS. ALLEN: -- is a girl.

PROSPECTIVE JUROR #037: Yeah, my 8-year-old is –

MS. ALLEN: Oh, so, much – great – more the ability, I think.

PROSPECTIVE JUROR #037: Yes, oh, definitely.

MS. ALLEN: Okay, okay. All right.

PROSPECTIVE JUROR #037: Girls are always more manipulative.

MS. ALLEN: Do you see the difference in the genders with the two of them?

PROSPECTIVE JUROR #037: Definitely.

MS. ALLEN: Okay.

PROSPECTIVE JUROR #037: Yeah.

MS. ALLEN: Do you have a tendency or do you think you would have a tendency to believe a child automatically over an adult?

PROSPECTIVE JUROR #037: No

MS. ALLEN: Just because they're a child?

PROSPECTIVE JUROR #037: No.

MS. ALLEN: Okay. Going back to some of the questions earlier. Were you a little shocked when you heard the charges?

PROSPECTIVE JUROR #037: I was.

MS. ALLEN: Okay. Were you expecting a stolen car?

PROSPECTIVE JUROR #037: I was hoping for something not criminal in nature, yeah.

MS. ALLEN: Oh, like a car accident?

PROSPECTIVE JUROR #037: Yes.

MS. ALLEN: Oh –

PROSPECTIVE JUROR #037: Or even a stolen car, but – yeah, I'm not looking forward to being chosen for this jury if I am.

MS. ALLEN: You could have been lucky and got on a, I think construction defect trial, they last like eight weeks or something.

PROSPECTIVE JUROR #037: Oh, good Lord.

MS. ALLEN: Those are fun. What – maybe even longer, I don't even know.

What – why did you make that statement? So you don't want to sit on this jury?

PROSPECTIVE JUROR #037: Honestly, I don't want to. I do understand that the kids that are going to come up here may or may not have been pressured by either party, you know, by the person who may have victimized them or the person who's supposed to be their advocate. But I do understand that it's going to be hard for me to see a young girl sit up there and say something that may or may not have happened to her. And if she's believable, it's going to be much harder –

MS. ALLEN: Okay.

PROSPECTIVE JUROR #037: -- to hear her testimony.

MS. ALLEN: Is it possible that – could you see an instance where maybe they – no one was victimized, there was no victimization?

PROSPECTIVE JUROR #037: Um-huh, yes.

MS. ALLEN: Yes?

PROSPECTIVE JUROR #037: Yes.

MS. ALLEN: Okay. I'm sorry. You have to answer out loud.

PROSPECTIVE JUROR #037: Yeah.

MS. ALLEN: In that instance, if you were able to determine that, let's go with no victimization, then would it bother you as much?

PROSPECTIVE JUROR #037: If I – if I personally deemed that the witness was not telling the truth then, no, it wouldn't bother me as much, because then it wouldn't have happened, so.

MS. ALLEN: Okay. All right. Okay. Do you – well, do you think children are easily manipulated? I mean do you think that –

PROSPECTIVE JUROR #037: Both ways. Again, it definitely depends on the child, their circumstances, how strong they are, how afraid they are; if they've been threatened in any way, you know.

MS. ALLEN: Okay.

PROSPECTIVE JUROR #037: But – so, yeah, a child could be easily manipulated.

MS. ALLEN: Okay. And would you agree that it doesn't have to come from an adult, it could come from a sibling or –

PROSPECTIVE JUROR #037: Yeah.

MS. ALLEN: -- someone in the family?

PROSPECTIVE JUROR #037: Yes.

MS. ALLEN: Okay. Okay. I think that's it. I think I'm going to leave you alone. Wasn't too painful I hope.

Let's see, Mr. Newman

PROSPECTIVE JUROR #001: Yes, ma'am.

MS. ALLEN: How are you?

PROSPECTIVE JUROR #001: I'm well.

MS. ALLEN: Jump back to you. This is your second go around.

PROSPECTIVE JUROR #001: Yes, ma'am.

MS. ALLEN: Okay. Speaking from – and I don't want to talk about the trial itself, but just the idea of sitting on a jury, the first time you did it.

PROSPECTIVE JUROR #001: Yes.

MS. ALLEN: Did you feel like you were somewhat educated? Like walking into it did you feel, like, oh, wow, I didn't realize it worked like this?

PROSPECTIVE JUROR #001: I think I had a general understanding of how –

MS. ALLEN: Okay.

PROSPECTIVE JUROR #001: -- the courts work and how the jury worked.

MS. ALLEN: Okay. Were you surprised at all by anything that happened, like during jury selection or anything? Nothing at all?

PROSPECTIVE JUROR #001: No, no.

MS. ALLEN: Okay. Would you regard that as a pleasant experience?

PROSPECTIVE JUROR #001: Overall it was not a bad experience, no.

MS. ALLEN: Okay. You like sitting on a jury?

PROSPECTIVE JUROR #001: I don't like it –

MS. ALLEN: Okay.

PROSPECTIVE JUROR #001: -- any more than I dislike it, no.

MS. ALLEN: Oh, it's a civil duty, okay.

PROSPECTIVE JUROR #001: Yes.

MS. ALLEN: So you see it as you're a citizen and I – this is the duty that I have to county and my state and things like that?

PROSPECTIVE JUROR #001: Yes.

MS. ALLEN: Okay. Walking into the first jury did you have a clear under-

standing of who had the burden in the case?

PROSPECTIVE JUROR #001: Yes.

MS. ALLEN: Okay. At any point in time did that bother you?

PROSPECTIVE JUROR #001: No.

MS. ALLEN: Does it bother you today?

PROSPECTIVE JUROR #001: No.

MS. ALLEN: Is there any reason you would be concerned if Mr. Harris did not testify?

PROSPECTIVE JUROR #001: No.

MS. ALLEN: Okay. Doesn't bother you at all?

PROSPECTIVE JUROR #001: No.

MS. ALLEN: All right. Are you aware of the, like the mandatory reporting in the state of Nevada?

PROSPECTIVE JUROR #001: I think I have a general idea, yes.

MS. ALLEN: Okay. Can you just give me an idea of what your general idea is?

PROSPECTIVE JUROR #001: Teachers or those that have interaction with children see or suspect anything that would or could be potentially harmful to the child, whether it be physical abuse, mental abuse, sexual abuse; that they report that to Child Protective Services.

MS. ALLEN: Okay. Or the police is that right?

PROSPECTIVE JUROR #001: Or police.

MS. ALLEN: Okay. And they're under an affirmative duty to do that, is that –

PROSPECTIVE JUROR #001: To do so, yes.

MS. ALLEN: -- as far as you know?

PROSPECTIVE JUROR #001: Yes.

MS. ALLEN: Okay. Would – if you, I guess if you came upon some information, I guess you found out that let's say someone didn't report something, that would be certainly offensive to you, is that right?

PROSPECTIVE JUROR #001: I'd be concerned –

MS. ALLEN: Okay, all right.

PROSPECTIVE JUROR #001: -- yes.

MS. ALLEN: Okay. I had spoke or I was talking with Mr. Allen about the idea of sex being sort of a private, intimate thing. Do – were you – you probably weren't paying attention to that?

PROSPECTIVE JUROR #001: I was.

MS. ALLEN: You were, okay. Did you agree with some of the things we were talking about or did you agree that the intimacy or privacy of sex is learned, it's a taught behavior?

PROSPECTIVE JUROR #001: Yes, I would agree with that.

MS. ALLEN: Okay. Somewhat like modesty?

PROSPECTIVE JUROR #001: Correct.

MS. ALLEN: Okay. And would you also agree then that if it wasn't taught, that someone would be able to talk about – there's no embarrassment or shield, personal shield –

PROSPECTIVE JUROR #001: Yes.

MS. ALLEN: -- does that make sense?

PROSPECTIVE JUROR #001: Yes, I believe they'd be a little bit more open.

MS. ALLEN: Okay. And so someone who wasn't necessarily taught the idea that sex was private, they wouldn't have any problems talking about it to other

people, is that correct?

PROSPECTIVE JUROR #001: I believe so, yes.

MS. ALLEN: Okay. How important is education?

PROSPECTIVE JUROR #001: I believe it's very important.

MS. ALLEN: Not everybody is meant to go to college is that right?

PROSPECTIVE JUROR #001: Not everybody can.

MS. ALLEN: Not everybody can, okay.

PROSPECTIVE JUROR #001: Yeah.

MS. ALLEN: Some people are meant to maybe go to trade schools or do different things, is that right?

PROSPECTIVE JUROR #001: Sure, sure.

MS. ALLEN: Okay. All right. Okay. Thank you, Mr. Newman, I appreciate it.

PROSPECTIVE JUROR #001: Yes.

MS. ALLEN: Ms. Stammanetti?

PROSPECTIVE JUROR #020: Stammetti.

MS. ALLEN: Stammetti. Sorry. I apologize. Your friend that disclosed this to you –

PROSPECTIVE JUROR #020: Yes.

MS. ALLEN: -- she had been, I guess, abused, is that correct?

PROSPECTIVE JUROR #020: Yes.

MS. ALLEN: Can you recall her affect when she was describing it for you or telling you about it? Do you remember was she upset? Did she seem emotional?

PROSPECTIVE JUROR #020: Not particularly, she had pretty much written her dad off.

MS. ALLEN: I'm sorry? Pardon?

PROSPECTIVE JUROR #020: She had pretty much written her dad off, so she wasn't – she had gotten through it.

MS. ALLEN: Okay. You said she was in counseling?

PROSPECTIVE JUROR #020: I don't know that she went to counseling, no.

MS. ALLEN: Maybe I'm mixing it up. Did you have – was it someone in your family –

PROSPECTIVE JUROR #020: She went –

MS. ALLEN: -- that went to counseling?

PROSPECTIVE JUROR #020: No. She told a camp, I guess like a camp counselor she went to. But I don't know that she actually went to a counseling for it.

MS. ALLEN: Okay. All right. So you don't know if she actually did counseling?

PROSPECTIVE JUROR #020: I don't believe she did, but I don't know for sure.

MS. ALLEN: Okay. All right. How do you think you would be at judging people testifying, whether they're children, adults, anybody? How do you think that you – what would make you good at judging someone on the stand, let me ask you that.

PROSPECTIVE JUROR #020: I'd listen to what they have to say and try to be objective.

MS. ALLEN: Okay. All right. Does the – do the allegations, do you believe that's going to sway your judgment in any way?

PROSPECTIVE JUROR #020: I don't think so.

MS. ALLEN: Is there a possibility it could?

PROSPECTIVE JUROR #020: I was kind of shocked at the allegations, I'll

say that, but I don't believe it would sway me one way or the other. I'd like to hear the whole story first.

MS. ALLEN: Were you somewhat like some of the other jurors that when you heard sexual that just stuck? Is that the one –

PROSPECTIVE JUROR #020: It did stick yes.

MS. ALLEN: That was the one that stuck with you?

PROSPECTIVE JUROR #020: Yes.

MS. ALLEN: Okay. You don't necessarily remember much of the other ones?

PROSPECTIVE JUROR #020: No.

MS. ALLEN: Okay. All right. It's jarring –

PROSPECTIVE JUROR #020: Yes.

MS. ALLEN: -- is that easy or is that a fair assessment?

PROSPECTIVE JUROR #020: Yes, I would say.

MS. ALLEN: Is it more so because there's a child or there could be children or child involved?

PROSPECTIVE JUROR #020: I think it would be kind of shocking no matter what, but that is bothersome, yes.

MS. ALLEN: Okay. Is it bothersome – why is it bothersome, let me ask you that? Why is that bothersome to you?

PROSPECTIVE JUROR #020: Because children can be trusting.

MS. ALLEN: Okay. Okay. Does that then preclude the idea that they couldn't – that a child couldn't make this up?

PROSPECTIVE JUROR #020: Oh, no, they could, they could make it up.

MS. ALLEN: Do you think it's something that could be easily made up?

PROSPECTIVE JUROR #020: I'm not sure how easily –

MS. ALLEN: Okay.

PROSPECTIVE JUROR #020: -- but it could be made up.

MS. ALLEN: All right. Do you – is it something where the testimony is enough or are you the kind of person that would expect some sort of corroboration? Some sort of extra proof that it happened?

PROSPECTIVE JUROR #020: I don't think I'd require extra proof.

MS. ALLEN: Okay. The testimony is enough?

PROSPECTIVE JUROR #020: Yes.

MS. ALLEN: Okay. And you believe you're a good judge of – just generally in people? You're a good judge of people. You can tell if they're truthful or not truthful?

PROSPECTIVE JUROR #020: I think so, yeah. I feel like I am.

MS. ALLEN: Okay. Thank you very much.

PROSPECTIVE JUROR #020: Sure.

MS. ALLEN: Let's see, Ms. Mandel.

PROSPECTIVE JUROR #041: Yes.

MS. ALLEN: How are you?

PROSPECTIVE JUROR #041: Well.

MS. ALLEN: So I remember distinctly that you were the one who said it, so I'm coming right back to you for it.

PROSPECTIVE JUROR #041: Sure.

MS. ALLEN: And that was the conversation about sex and the privacy of sex.

PROSPECTIVE JUROR #041: Um-huh.

MS. ALLEN: You were the one who, I believe, posited the idea that it was a

very private thing?

PROSPECTIVE JUROR #041: I said at least – I cannot quote what I said yesterday –

MS. ALLEN: I understand.

PROSPECTIVE JUROR #041: -- 'cause it was yesterday after a long day, but certainly I felt that intimacy in a public – speaking upon intimacy or intimate relations in a public forum would be, I would think, most difficult for a child or for an adult.

MS. ALLEN: Okay. Does that change, based upon some of the things that I discussed with other jurors? The idea that that is something you learn at home?

PROSPECTIVE JUROR #041: Certainly, more people – we've also discussed how everybody is different, you know.

MS. ALLEN: Right.

PROSPECTIVE JUROR #041: I'm a different than a Smith or anybody else that's sitting in the courtroom and so we – perhaps, what seems very private and personal to me, absolutely might not be the same to another individual.

MS. ALLEN: Okay. And does – do you believe that that changes – well, going back to the idea of the modesty in children.

PROSPECTIVE JUROR #041: Um-huh.

MS. ALLEN: And do you recall that you were taught modesty by your parents and by your family?

PROSPECTIVE JUROR #041: It's a funny question to answer.

MS. ALLEN: I know.

PROSPECTIVE JUROR #041: I mean I could – again, I don't believe in a lot of excuses in terms of blaming society or blaming the media. Growing up in Las Vegas, there's many of us in this room that did, so –

MS. ALLEN: Definitely.

PROSPECTIVE JUROR #041: -- you can't say growing up in Las Vegas created a certain atmosphere. But my family was in show biz, so modesty, you know, running around without a top as a child I'm sure was the norm. But maybe that's the norm in Ohio. I don't know. I can say, certainly, that I went to school with clothes on, so –

MS. ALLEN: That's good.

PROSPECTIVE JUROR #041: -- if that's a part of modesty, then, yes, modesty in Las Vegas exists. And – but I also – yeah, I guess it's taught. But I think it – you also come hardwired a certain way and recognize that that is where you also feel most comfortable. You know, I –

MS. ALLEN: Okay. So when you say hardwired –

PROSPECTIVE JUROR #041: Um-huh.

MS. ALLEN: -- do you mean that modesty is something that clicks at a certain age?

PROSPECTIVE JUROR #041: I do believe so. I think as we change as women and men that, yes, you become – your level of modesty changes.

MS. ALLEN: Okay. And then would you then sort of transposing that onto the idea that the intimacy, the sexual intimacy –

PROSPECTIVE JUROR #041: Um-huh.

MS. ALLEN: -- and how that's a private thing. But you do believe that that also is the same way, that we're hardwired in that say way?

PROSPECTIVE JUROR #041: No, I do not.

MS. ALLEN: You don't?

PROSPECTIVE JUROR #041: I don't.

MS. ALLEN: Okay. Can you explain that?

PROSPECTIVE JUROR #041: Well I'm not -- well, I'm not an expert in psychology –

MS. ALLEN: Okay. That's okay.

PROSPECTIVE JUROR #041: -- or sociology.

MS. ALLEN: You don't have to be for the purposes of this discussion.

PROSPECTIVE JUROR #041: Well, good. So, you know, I do, I think there is a difference. I think you might be an individual that perhaps enjoys sex.

MS. ALLEN: Okay.

PROSPECTIVE JUROR #041: But you still may be a modest individual. You may live conservatively.

MS. ALLEN: Okay. Does that change, like speaking about it, just generally whether it's to your mom or to your counselor or to a room full of people? Does – is – does that change that do you think?

PROSPECTIVE JUROR #041: I couldn't answer honestly right now one way or the other, black or white.

MS. ALLEN: Okay. All right. Does – did the allegations bother you? Meaning –

PROSPECTIVE JUROR #041: They do.

MS. ALLEN: Okay. Tell – is it just because it's a sexual assault and it's generally a crime or is it because it's potentially or the allegations are against children? What is it that bothers you about it?

PROSPECTIVE JUROR #041: Well, I think that any of the abuse charges that were mentioned, it wasn't just sexual abuse; there were several different abuses. There was forced prostitution. There was multiple things that just on an

everyday person that gets up, goes to the grocery store, does things that that's a lot to take in –

MS. ALLEN: Okay.

PROSPECTIVE JUROR #041: -- so, yes, that bothers me.

MS. ALLEN: Okay. So coming from a perspective where you don't deal with this on a daily basis, that was shocking to you?

PROSPECTIVE JUROR #041: Sure.

MS. ALLEN: Okay.

PROSPECTIVE JUROR #041: And shocking that I would perhaps be dealing with it for the next two weeks.

MS. ALLEN: Do you think you're the appropriate person to sit on the jury then for that reason?

PROSPECTIVE JUROR #041: I definitely think I'm qualified. I have an open heart, an open mind and with experience as an adjudicator and different forms of competition, whether it's dance or scholastics, that my ability to I guess assess an individual in terms of honesty or dishonesty I think is very real; I'm capable of doing that. So my – a person on a panel, part of a panel, yes, I could be. Does it mean that – and I know I could be open-minded. But, to be honest, there is discomfort in the nature of the – the topics of this trial.

MS. ALLEN: Okay. And would you just generally agree that comes along with the idea of discussing sex in public? Anytime you're going to have to say –

PROSPECTIVE JUROR #041: No.

MS. ALLEN: No? Okay.

PROSPECTIVE JUROR #041: No, I don't think it's specific to sex in public. No, I think it's –

MS. ALLEN: No, I don't mean having sex in public, I just mean –

PROSPECTIVE JUROR #041: Oh, come on.

MS. ALLEN: -- discussing sex in public.

PROSPECTIVE JUROR #041: No. Either way, no. But I think the idea of abuse from one person to another –

MS. ALLEN: Okay.

PROSPECTIVE JUROR #041: -- is a difficult topic.

MS. ALLEN: Okay. And do you think that in the realm of possibilities these things can be fabricated?

PROSPECTIVE JUROR #041: Yes.

MS. ALLEN: Okay. You believe that there are children who can fabricate these allegations?

PROSPECTIVE JUROR #041: I do. I don't – as I don't want to believe it –

MS. ALLEN: Okay.

PROSPECTIVE JUROR #041: -- I logically believe, yes, it can happen.

MS. ALLEN: Okay. You don't want to believe it 'cause you would never want to think a child could ever do that, right?

PROSPECTIVE JUROR #041: I wouldn't want to think anybody could ever do it, but people do it.

MS. ALLEN: Okay. And would you agree then that there's motivations behind the actions that people take, good, bad, indifferent?

PROSPECTIVE JUROR #041: Certainly, a desired outcome, of course.

MS. ALLEN: Okay. And so if you're looking for a certain outcome, you're, you know, you're going to take route A, as opposed to B and –

PROSPECTIVE JUROR #041: You make a choice.

MS. ALLEN: Okay. You make your choices, okay.

How am I doing on time?

THE COURT: You're fine.

MS. ALLEN: Am I? Okay.

THE COURT: Yeah. Go ahead.

MS. ALLEN: Thank you.

What about – there was some questions about, you know would you hold it against someone if they had performed sex for money. Would you ever hold that against them?

PROSPECTIVE JUROR #041: No. We live in a capitalistic society. We gotta do what we gotta do and if that's where someone has found their best way to survive, no.

MS. ALLEN: So be it.

PROSPECTIVE JUROR #041: Yeah, so be it.

MS. ALLEN: Right. It's – some people refer to it I guess as sort of a victimless crime, would that be your assessment of it?

PROSPECTIVE JUROR #041: It can be an assessment of it, sure.

MS. ALLEN: Okay. And I think I said somewhere or to someone that it was – it's legal in all but what, two counties, I think in Nevada?

PROSPECTIVE JUROR #041: In Nevada, sure.

MS. ALLEN: Okay. And certainly that person doesn't deserve to be assaulted or beaten or –

PROSPECTIVE JUROR #041: No.

MS. ALLEN: -- the victim of a crime in anyway?

PROSPECTIVE JUROR #041: No.

MS. ALLEN: Okay. Same with bad choices, is that correct? Someone who makes bad choices, they don't deserve to be a victim?

PROSPECTIVE JUROR #041: No.

MS. ALLEN: Okay. And you wouldn't look at them any differently for something like that?

PROSPECTIVE JUROR #041: No.

MS. ALLEN: Okay. What about if the crime was against their own child? What if this person who committed a crime against their own child, would you look at them differently?

PROSPECTIVE JUROR #041: I do believe that in every situation you always hope that someone is the adult in the situation.

MS. ALLEN: Okay.

PROSPECTIVE JUROR #041: And it's difficult to think, not being a parent myself, with many friends that are parents, it would be difficult to think that a parent would take advantage of their child, but it's not out of the realm of possibility.

MS. ALLEN: And use their children for whatever they could get? Is that – you said that use – I think use their child, that they would use their child?

PROSPECTIVE JUROR #041: Uh-huh.

MS. ALLEN: Okay. So it's not out of the realm of possibilities that a parent would use their child –

PROSPECTIVE JUROR #041: Right.

MS. ALLEN: -- for anything that they could get?

PROSPECTIVE JUROR #041: No. As we said earlier, anything is possible.

MS. ALLEN: Anything is possible. Okay. Okay. Do you think that you would automatically believe a child versus an adult specific to the allegations here?

PROSPECTIVE JUROR #041: No. I mean I'm hoping to believe everybody, they've been put under – had been sworn to tell the truth, so with that –

MS. ALLEN: Do you think that that – that you say they're sworn to tell the truth, so do you think if they do lie like a light goes off or some – I mean you understand –

PROSPECTIVE JUROR #041: Right.

MS. ALLEN: -- that it's a judgment call on your part.

PROSPECTIVE JUROR #041: Absolutely, I do. That goes back to my ability to assess. But there is a part of me that wants to believe, the – maybe the child in me wants to believe that the truth is being told, because you've been asked and sworn to tell it.

MS. ALLEN: Okay. All right. I appreciate your answers.

PROSPECTIVE JUROR #041: Sure.

MS. ALLEN: Thank you.

Let's see. Let me go back to Mr. Lambert. How are you?

PROSPECTIVE JUROR #025: Good.

MS. ALLEN: How were you about getting your jury summons? Were you excited?

PROSPECTIVE JUROR #025: How was I about it?

MS. ALLEN: Yeah, were you excited?

PROSPECTIVE JUROR #025: Not generally excited. I mean I do lead kind of a busy life and I got a lot of things going on, but I didn't disregard it either. I mean I have no problem –

MS. ALLEN: Okay.

PROSPECTIVE JUROR #025: -- with serving.

MS. ALLEN: Okay. So not at the top of your list of priorities, like your bucket list?

PROSPECTIVE JUROR #025: No, not necessarily.

MS. ALLEN: Okay. All right. Do you feel like just in the couple of days you've been here it's been somewhat educational?

PROSPECTIVE JUROR #025: It's – I've expected everything that's gone on so far?

MS. ALLEN: Really?

PROSPECTIVE JUROR #025: Pretty much.

MS. ALLEN: That's a new one. Okay. What –

PROSPECTIVE JUROR #025: It's drawn on a little longer than I expected.

MS. ALLEN: Okay. I understand.

PROSPECTIVE JUROR #025: The questioning is taken a lot longer than I expected.

MS. ALLEN: I'll concede that.

PROSPECTIVE JUROR #025: But, you know, I've been summonsed a couple of times but I've never actually served, so I kind of have seen the process and been in a courtroom –

MS. ALLEN: Oh.

PROSPECTIVE JUROR #025: -- for, you know –

MS. ALLEN: Okay. So you've actually come in and been questioned before but they –

PROSPECTIVE JUROR #025: No, not questioned. I've gone into the waiting room and that's as far as I've gotten. But I've talked to other people that have and –

MS. ALLEN: Okay.

PROSPECTIVE JUROR #025: -- just like knowledge from being a resident.

MS. ALLEN: You never – so you never actually got to this point?

PROSPECTIVE JUROR #025: Not to this point, no.

MS. ALLEN: All right. So I guess some of the same – it's some of the same question is different; but what do you think about the burden of proof? Is it bothersome that the defense has no burden in this case?

PROSPECTIVE JUROR #025: It's not bothersome, no.

MS. ALLEN: Okay. Do you – I mean do you hold it against Mr. Harris if we don't do anything?

PROSPECTIVE JUROR #025: No.

MS. ALLEN: Okay. At the end of the day you understand if they don't prove their case, Mr. Harris is not guilty; no matter what you think of him or anybody else in this case?

PROSPECTIVE JUROR #025: I understand that.

MS. ALLEN: Okay. All right. And that doesn't bother you?

PROSPECTIVE JUROR #025: No.

MS. ALLEN: Okay. Do you have children? I apologize my –

PROSPECTIVE JUROR #025: Yes, I have three.

MS. ALLEN: You have three kids.

PROSPECTIVE JUROR #025: Yeah.

MS. ALLEN: Are they grown, younger?

PROSPECTIVE JUROR #025: I have two sons that go to college right now and I have a daughter that's in high school.

MS. ALLEN: Oh, okay. So the daughter is the baby?

PROSPECTIVE JUROR #025: Yes.

MS. ALLEN: All right. Do you, like some of the other parents you see, your children, they can be manipulative, do you see that?

PROSPECTIVE JUROR #025: Absolutely.

MS. ALLEN: And do you see it more from the girl from the boy?

PROSPECTIVE JUROR #025: Um –

MS. ALLEN: Boys, I should say.

PROSPECTIVE JUROR #025: All three of my children are different.

MS. ALLEN: Okay. They all are different, so.

PROSPECTIVE JUROR #025: But, yeah, she's – she kind of plays things a little bit more than the others.

MS. ALLEN: Okay.

PROSPECTIVE JUROR #025: I've got one that's really quiet and kind of keeps to himself. And one that's just very outgoing and has gone through a lot of leadership things, so.

MS. ALLEN: Okay.

PROSPECTIVE JUROR #025: So they're all different.

MS. ALLEN: All right. Are they – you said two are in college, is that correct?

PROSPECTIVE JUROR #025: Correct.

MS. ALLEN: Are the three fairly close in age?

PROSPECTIVE JUROR #025: Fairly, 21 to 15.

MS. ALLEN: So they did grow up together?

PROSPECTIVE JUROR #025: Yes.

MS. ALLEN: Okay. Did you see amongst the three of them like the older one getting the younger one to do things or vice-a-versa even?

PROSPECTIVE JUROR #025: Yes, I've seen that.

MS. ALLEN: Okay. Sort of an – I'm characterizing it as peer pressure but I think we always seen it as external, sort of an internal peer pressure.

PROSPECTIVE JUROR #025: Right.

MS. ALLEN: Getting one to do the other and –

PROSPECTIVE JUROR #025: Yeah.

MS. ALLEN: So one doesn't get in trouble or someone gets something out of it?

PROSPECTIVE JUROR #025: Right.

MS. ALLEN: Okay. And then playing the parents against each other or whatever it is, is that correct?

PROSPECTIVE JUROR #025: They're children.

MS. ALLEN: Yes, they are. Do you think that children could have the ability to make up some – like the allegations in this case or anything; that they saw a spaceship land? I mean do you think children have the ability to fabricate things?

PROSPECTIVE JUROR #025: Yes.

MS. ALLEN: Excuse me. Do you find it harder to believe that a child would fabricate allegations like are the ones here?

PROSPECTIVE JUROR #025: I think it's less likely, but I mean I think there's a lot of other things that kids would exaggerate about or make up or whatever, but I know that it's very possible. Yes.

MS. ALLEN: Okay. So you think it's less likely that a child would lie about something like that?

PROSPECTIVE JUROR #025: No, I said that I think –

MS. ALLEN: Sorry. If I'm misquoting you, tell me.

PROSPECTIVE JUROR #025: I think – yeah, I think it is more likely that they

would not make up something like this. I don't think that they – this is – there's a lot of things that child could make up, I don't think this is one that would be the top of the list of the things to make up.

MS. ALLEN: Okay. All right. And when you're referring to a child, you're saying something like – are you saying a 17½ –year-old, 18-year-old or do you mean someone who is like 11, 12, 10, 5 even?

PROSPECTIVE JUROR #025: I'm not exactly sure how to answer that. I think that it – you know, the maturity level is going to vary, based on – and the age can have a lot to do with that. So when I say a child, yeah, generally I'm thinking of somebody that's still in school. You know, a teenager is still a child in a lot of ways. Although they are more experienced and they are more mature that when they were 10 years old.

MS. ALLEN: Okay. And do you agree that children, whether it's 18 or 17½, down, that they have different priorities than we do as adults?

PROSPECTIVE JUROR #025: Yes.

MS. ALLEN: We have mortgages or car payments or whatever the case may be.

PROSPECTIVE JUROR #025: Absolutely.

MS. ALLEN: And they have – they want to be with their friends or they want to go to the party or whatever the case is with a child – a 12-year-old or 15-year-old. And those priorities are different, isn't that correct?

PROSPECTIVE JUROR #025: Correct.

MS. ALLEN: Do you think that they treat them a little differently than we do?

PROSPECTIVE JUROR #025: Each other?

MS. ALLEN: No, their priorities. Do –

PROSPECTIVE JUROR #025: Oh, their priorities differently?

MS. ALLEN: Yeah. Sorry.

PROSPECTIVE JUROR #025: Yes, they do. I mean obviously, you know, what we view as important is not always the same thing as what a younger person is going to view as being important. And their priority list is going to vary.

MS. ALLEN: Okay. And would you agree that they – the consequences for their actions are not necessarily readily accessible to them?

PROSPECTIVE JUROR #025: It's not the first thing they're thinking about all the time.

MS. ALLEN: Okay. So they're, like, how to get to the party Friday night and if – let's lie to mom, get the car and go. They're not thinking of the consequences of what's going to happen if they get caught necessarily. It's not, like, foremost thing?

PROSPECTIVE JUROR #025: Yeah, it depends on the – it – again, it depends on the child –

MS. ALLEN: Right.

PROSPECTIVE JUROR #025: -- and the circumstances and stuff. I think that, yeah, it would be very possible for, you know, getting in trouble would be not the number one priority. They're worried about what they want to accomplish, so. And I think, you know, as they get older, as people get older and you realize consequences for actions, then sometimes, you know, you're going to be more concerned about that.

MS. ALLEN: Okay. Do you think children can be easily led, either way? Whether it's – I mean for good or for bad, do you think children can be easily led and convinced to do things?

PROSPECTIVE JUROR #025: It's – in some circumstances, yes. I mean I –

everybody is different. Everybody grows up in a different situation. Everybody has different values. I think that's just kind of a gray question.

MS. ALLEN: Okay. Well, fair enough. If I'm asking a bad question, please feel free to tell me. You would not be the first. Okay. I would thank you very much for your time.

Let's go to Ms. St. Clair. How are you?

PROSPECTIVE JUROR #014: Peachy.

MS. ALLEN: Peachy. Day number two. You excited about this? Less excited?

PROSPECTIVE JUROR #014: Kind of mixed.

MS. ALLEN: Less excited than you were yesterday?

PROSPECTIVE JUROR #014: No, more excited today than yesterday.

MS. ALLEN: Do you like the prospect of sitting on this jury?

PROSPECTIVE JUROR #014: Yeah, it's very enlightening.

MS. ALLEN: Okay. And why do you say that?

PROSPECTIVE JUROR #014: It's a new experience.

MS. ALLEN: Okay. You just – just something you just never done before?

PROSPECTIVE JUROR #014: Yeah, I've never done it before.

MS. ALLEN: Okay.

PROSPECTIVE JUROR #014: Something new.

MS. ALLEN: Are you – like I've asked some of the other jurors, are you concerned with regard to the charges in this case? Does that bother you?

PROSPECTIVE JUROR #014: I'm not sure how I can deal with it, if I can. But I'm willing to do it.

MS. ALLEN: Okay. Are you saying that there's a possibility that emotionally

you couldn't handle this or –

PROSPECTIVE JUROR #014: Might see some tears or something like that, you know, it –

MS. ALLEN: Okay. That's fair enough. You have –

PROSPECTIVE JUROR #014: I love kids, you know it.

MS. ALLEN: Pardon?

PROSPECTIVE JUROR #014: I love my kids and it's –

MS. ALLEN: Right. Understandable. You actually – I think you said something you've been working with CPS previously, is that right?

PROSPECTIVE JUROR #014: I had my nephew put in my care for six months.

MS. ALLEN: Okay. So you've had some dealing with CPS is that right?

PROSPECTIVE JUROR #014: Yes.

MS. ALLEN: In your opinion do they generally do a good job?

PROSPECTIVE JUROR #014: They do their best.

MS. ALLEN: All right. Probably overworked?

PROSPECTIVE JUROR #014: Very.

MS. ALLEN: Okay. And a lot of cases, so – but you believe that they do their best?

PROSPECTIVE JUROR #014: Yes.

MS. ALLEN: Okay. What about the police department, do you feel the same way? Do you think that they do their best as well?

PROSPECTIVE JUROR #014: They're very overworked.

MS. ALLEN: Okay. So you would agree that they're overworked as well.

PROSPECTIVE JUROR #014: Very.

MS. ALLEN: Okay. Do you think it's possible for a police officer to make a mistake?

PROSPECTIVE JUROR #014: Yes.

MS. ALLEN: CPS worker to make a mistake?

PROSPECTIVE JUROR #014: Yes.

MS. ALLEN: Okay. Would you agree that sometimes the police department or police officer or CPS worker is only given a certain set of facts to work with? Maybe finding things out later, but they're given a certain set of facts to work with and they can make assumptions or decisions based upon those and it could be a mistake. You understand what I'm saying?

PROSPECTIVE JUROR #014: Yeah.

MS. ALLEN: Would you agree with that?

PROSPECTIVE JUROR #014: Yeah.

MS. ALLEN: Okay. What about this idea of judging children while they're testifying about some very difficult things to hear. Is that something that you feel you would be good at or that you could do?

PROSPECTIVE JUROR #014: I'm a little confused about the question.

MS. ALLEN: So you've heard the allegations. And so expecting that there could be children come in and talk about some very difficult subjects, are you the right person to sit in judgment of their truthfulness, what they're doing; how they're behaving on the stand, their demeanor?

PROSPECTIVE JUROR #014: I think I could do a pretty good job at that.

MS. ALLEN: Okay. And can you take what they're saying in conjunction with their demeanor and all of those other things and make a fair assessment or is it going to be what they're saying that would – do you think it would overpower you?

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

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

PROSPECTIVE JUROR #014: I understand that.

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

PROSPECTIVE JUROR #014: Yeah.

MS. ALLEN: Does it bother you?

PROSPECTIVE JUROR #014: No.

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

PROSPECTIVE JUROR #014: Probably not.

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

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

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

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

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

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

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

PROSPECTIVE JUROR #014: Right, I do.

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

PROSPECTIVE JUROR #014: You're welcome.

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

PROSPECTIVE JUROR #012: Fine.

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

PROSPECTIVE JUROR #012: Sure.

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

PROSPECTIVE JUROR #012: Yes.

MS. ALLEN: Oh, okay. And I apologize without flipping through my paper-work was it criminal or civil?

PROSPECTIVE JUROR #012: Criminal.

MS. ALLEN: Did you enjoy your experience?

PROSPECTIVE JUROR #012: Yes.

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

PROSPECTIVE JUROR #012: Just new, nothing surprising.

MS. ALLEN: Most jurors after sitting on a jury say that they were glad that they did it. Would you agree that you were glad you did it?

PROSPECTIVE JUROR #012: Yes.

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

PROSPECTIVE JUROR #012: No.

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

PROSPECTIVE JUROR #012: About what?

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

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

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

PROSPECTIVE JUROR #012: Right.

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

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

PROSPECTIVE JUROR #012: The amount of charges.

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

PROSPECTIVE JUROR #012: Yes.

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

PROSPECTIVE JUROR #012: Right.

MS. ALLEN: What bothered you about that?

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

MS. ALLEN: Okay.

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

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

PROSPECTIVE JUROR #012: No.

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

sitting here and listening to people testify?

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

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

PROSPECTIVE JUROR #012: Yes, I am.

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

PROSPECTIVE JUROR #012: [No verbal response].

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

PROSPECTIVE JUROR #012: I do.

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

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

MS. ALLEN: Wasn't dinner table discussion?

PROSPECTIVE JUROR #012: No.

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

PROSPECTIVE JUROR #012: Yes.

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

PROSPECTIVE JUROR #012: Yes, I do.

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

anything about anyone very easily, is that right?

PROSPECTIVE JUROR #012: Yes, it is.

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

PROSPECTIVE JUROR #012: Not at all.

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

PROSPECTIVE JUROR #012: Just on the billboards.

MS. ALLEN: Right. Okay. So it's pretty much out there for everybody to see here in Las Vegas?

PROSPECTIVE JUROR #012: Yes.

MS. ALLEN: Thirty years ago, 35 years ago would you, if a 11 or 12 or 13-year-old had described a sex act to you, would you have been shocked?

PROSPECTIVE JUROR #012: Yes.

MS. ALLEN: Would you be as shocked today?

PROSPECTIVE JUROR #012: Yes.

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

PROSPECTIVE JUROR #012: Yes.

MS. ALLEN: Knowing what you know about media and what's accessible to children today?

PROSPECTIVE JUROR #012: Yes.

MS. ALLEN: Okay. Fair enough. Do you think that children have the ability or that children can make those things up, though? Do you –

PROSPECTIVE JUROR #012: Yes.

MS. ALLEN: It's shocking?

PROSPECTIVE JUROR #012: No.

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

they have the ability to make them up?

PROSPECTIVE JUROR #012: Yes.

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

PROSPECTIVE JUROR #012: No.

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

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

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

PROSPECTIVE JUROR #012: Yes.

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

PROSPECTIVE JUROR #012: Yes.

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

PROSPECTIVE JUROR #012: Yes.

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

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

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

PROSPECTIVE JUROR #012: No, no problem.

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

PROSPECTIVE JUROR #012: Yes.

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

PROSPECTIVE JUROR #012: Yes.

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

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

MS. ALLEN: Thank you.

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

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

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

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

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

[Examination of Prospective Juror #023]

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

PROSPECTIVE JUROR #023: Have a seat right here [indicating]?

THE COURT: The record will reflect –

THE COURT MARSHAL: Yeah. Actually, you know what, you're in my box go ahead and take your seat.

PROSPECTIVE JUROR #023: Okay.

THE COURT: All right. You know what, sir, you can come right up here to the podium.

PROSPECTIVE JUROR #023: Okay.

THE COURT: The record will reflect this hearing is taking – no, right there [indicating] to the podium.

PROSPECTIVE JUROR #023: Oh, right here?

THE COURT: Uh-huh.

THE COURT MARSHAL: Yeah, right there.

THE COURT: The record will reflect this hearing is taking place outside the presence of the jury panel.

Mr. Carlyn it's my understanding that you had something you wanted to address with the Court?

PROSPECTIVE JUROR #023: Yes.

THE COURT: Okay.

PROSPECTIVE JUROR #023: My work does –

THE COURT: After two days, you think there's something you haven't told me?

PROSPECTIVE JUROR #023: Yes.

THE COURT: Okay. Go ahead.

PROSPECTIVE JUROR #023: Well, I called the – my HR department today.

THE COURT: Uh-huh.

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

THE COURT: Okay.

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

THE COURT: Okay.

PROSPECTIVE JUROR #023: -- and there's absolutely no way I'd be able to afford my bills or anything.

THE COURT: Okay. Why don't you tell me about that? What do you – let me get – let me go back in my notes. What do you do for a living?

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

THE COURT: That's right. Now it's all coming back to me. And yesterday when we were having all these discussions, why didn't you bring it up then?

PROSPECTIVE JUROR #023: I thought they paid, honestly. And then I called my boss last night. And I was like, hey, this is like a one to two week trial. He said, well, you don't get paid for it. I'm like are you sure?

THE COURT: Okay.

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

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

PROSPECTIVE JUROR #023: Exactly.

THE COURT: -- some don't.

PROSPECTIVE JUROR #023: They don't.

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

PROSPECTIVE JUROR #023: Um-huh.

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

PROSPECTIVE JUROR #023: Um-huh.

THE COURT: Is that a yes?

PROSPECTIVE JUROR #023: Yes.

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

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

THE COURT: And you have a wife, correct?

PROSPECTIVE JUROR #023: I do.

THE COURT: She works full time?

PROSPECTIVE JUROR #023: Um-huh.

THE COURT: Is that a yes?

PROSPECTIVE JUROR #023: Yes. Sorry.

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

PROSPECTIVE JUROR #023: No, I understand.

THE COURT: You understand that?

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

THE COURT: But you – is that a yes?

PROSPECTIVE JUROR #023: Yes. Sorry.

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

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

THE COURT: And you work full time?

PROSPECTIVE JUROR #023: Yes.

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

you could take?

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

THE COURT: Okay.

PROSPECTIVE JUROR #023: These –

THE COURT: How much do you have?

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

THE COURT: You only have two vacation days?

PROSPECTIVE JUROR #023: Um-huh, yes.

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

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

THE COURT: Have you used it up already?

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

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

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

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

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

THE COURT: So you accrue them?

PROSPECTIVE JUROR #023: Yes.

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

PROSPECTIVE JUROR #023: This year?

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

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

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

PROSPECTIVE JUROR #023: Uh-huh, yes.

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

PROSPECTIVE JUROR #023: Yes.

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

PROSPECTIVE JUROR #023: Yes.

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

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

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

PROSPECTIVE JUROR #023: Rent.

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

PROSPECTIVE JUROR #023: Me and my wife.

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

PROSPECTIVE JUROR #023: Yes.

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

PROSPECTIVE JUROR #023: That's correct.

THE COURT: Okay. Are you sure?

PROSPECTIVE JUROR #023: Yes.

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

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

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

PROSPECTIVE JUROR #023: Okay.

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

PROSPECTIVE JUROR #023: Okay.

THE COURT: -- and check out.

PROSPECTIVE JUROR #023: Okay.

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

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

THE COURT: Thank you.

[Prospective Juror #023 excused]

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

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

MS. ALLEN: Oh, 20---

THE COURT: He is badge number 23 –

MR. MAC ARTHUR: Okay.

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

MS. LUZAICH: Isn't it Del Taco.

MR. MAC ARTHUR: Right.

MS. LUZAICH: Del Taco is next.

MR. MAC ARTHUR: No objection to –

THE COURT: Okay.

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

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

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

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

MS. ALLEN: Yes.

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

MS. ALLEN: Um-huh

THE COURT: -- take him through, get him back up to speed. I'll ask the State if they have any questions for him and then I'll turn the panel back over to you.

MS. ALLEN: Not a problem.

THE COURT: So you get a little break.

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

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

THE COURT MARSHAL: Your Honor, we do.

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

THE COURT MARSHAL: Yes, Your Honor.

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

THE COURT MARSHAL: Yes, ma'am.

THE COURT: Before we lose somebody.

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

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

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

THE COURT: Okay. Thank you very much.

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

MS. LUZAICH: Yes.

MS. ALLEN: Yes, Your Honor.

THE COURT: Thank you.

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

PROSPECTIVE JUROR #081: Yes.

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

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

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

THE COURT: Okay.

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

PROSPECTIVE JUROR #081: Lived for 18 years.

THE COURT: Eighteen years. And your education background?

PROSPECTIVE JUROR #081: High school diploma.

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

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

THE COURT: Your marital status?

PROSPECTIVE JUROR #081: I'm single.

THE COURT: Do you have any children?

PROSPECTIVE JUROR #081: No.

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

PROSPECTIVE JUROR #081: Yes, at '09.

THE COURT: In 2009?

PROSPECTIVE JUROR #081: [Nods].

THE COURT: Is that a yes?

PROSPECTIVE JUROR #081: Yes.

THE COURT: Was that here in Clark County?

PROSPECTIVE JUROR #081: Yeah, it was in this, this courtroom.

THE COURT: Was in this building?

PROSPECTIVE JUROR #081: Yes.

THE COURT: In this courtroom?

PROSPECTIVE JUROR #081: Yes.

THE COURT: With me?

PROSPECTIVE JUROR #081: It was a long time.

THE COURT: Okay.

PROSPECTIVE JUROR #081: Yeah.

THE COURT: So it was in this courthouse but it wasn't in here with me?

PROSPECTIVE JUROR #081: Yes, I guess.

THE COURT: Okay. Was it civil or criminal?

PROSPECTIVE JUROR #081: It was just – they ask me questions like what's your name.

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

PROSPECTIVE JUROR #081: It was not criminal case.

THE COURT: It was a civil case?

PROSPECTIVE JUROR #081: I guess.

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

PROSPECTIVE JUROR #081: Yes.

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

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

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

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

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

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

THE COURT: So you were not selected?

PROSPECTIVE JUROR #081: I guess, yeah.

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

PROSPECTIVE JUROR #081: No.

THE COURT: No.

PROSPECTIVE JUROR #081: No.

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

PROSPECTIVE JUROR #081: Yes.

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

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

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

PROSPECTIVE JUROR #081: Yes.

THE COURT: She was killed?

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

THE COURT: Okay. By a criminal act?

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

THE COURT: Okay. Do you understand my questions?

PROSPECTIVE JUROR #081: Yes, I understand.

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

PROSPECTIVE JUROR #081: Yes –

THE COURT: -- your cousin's mother –

PROSPECTIVE JUROR #081: No –

THE COURT: -- is that your aunt?

PROSPECTIVE JUROR #081: No. The Uncle.

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

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

THE COURT: Okay. So your uncle killed his wife?

PROSPECTIVE JUROR #081: I guess, yeah.

THE COURT: You guess or yes?

PROSPECTIVE JUROR #081: No, no, no. Yes.

THE COURT: Yes.

PROSPECTIVE JUROR #081: Yeah.

THE COURT: And did that happen here in Las Vegas?

PROSPECTIVE JUROR #081: Yeah, it did.

THE COURT: How long ago was that?

PROSPECTIVE JUROR #081: I did not – I don't think like this stuff, you know, all the time. Who knows when it happened? I don't want to remember that stuff.

THE COURT: I understand that, but you don't know when it happened?

PROSPECTIVE JUROR #081: I just remember I just got a phone – a call on the phone and then someone says something.

THE COURT: Do you know when that call came to you?

PROSPECTIVE JUROR #081: Well, I don't want to remember. If I could, like, I'd rather remember other stuff.

THE COURT: Sure, I understand. Was that this year in 2014?

PROSPECTIVE JUROR #081: Well, I can't say the date.

THE COURT: Was it last year in 2013?

PROSPECTIVE JUROR #081: I can't say the date when it happened. But it was on the news and stuff like that.

THE COURT: Okay. Was it within the last five years?

PROSPECTIVE JUROR #081: Yeah, again, you know I can't.

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

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

THE COURT: You have no idea when it happened?

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

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

PROSPECTIVE JUROR #081: No.

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

PROSPECTIVE JUROR #081: No.

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

PROSPECTIVE JUROR #081: It – yes.

THE COURT: Okay. Did he get arrested?

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

THE COURT: Okay. Do you understand my question?

PROSPECTIVE JUROR #081: Yes, yes.

THE COURT: I said did he –

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

THE COURT: Did he get arrested?

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

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

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

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

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

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

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

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

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

THE COURT: Okay.

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

THE COURT: Where did you attend college?

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

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

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

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

were enrolled at CSN, correct?

PROSPECTIVE JUROR #081: Yes.

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

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

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

PROSPECTIVE JUROR #081: Yes.

THE COURT: Okay. Did you get any degrees?

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

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

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

THE COURT: Of course.

PROSPECTIVE JUROR #081: Yeah.

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

PROSPECTIVE JUROR #081: Yes.

THE COURT: And what did you study at CSN?

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

THE COURT: You did two courses only?

PROSPECTIVE JUROR #081: Yes. I did other courses, 'cause I was kind of like, like thinking well, I took keyboarding class, like, you know, like college –

THE COURT: Okay.

PROSPECTIVE JUROR #081: -- college –

THE COURT: Did you just take general education courses?

PROSPECTIVE JUROR #081: Yes.

THE COURT: For three years?

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

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

PROSPECTIVE JUROR #081: That like – I was like, for me like – I was just – I'm just trying to get a job with my high school diploma, that's it.

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

PROSPECTIVE JUROR #081: Yes.

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

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

THE COURT: Okay.

PROSPECTIVE JUROR #081: -- you know.

THE COURT: How many credits did you earn?

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

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

Would you have a tendency to give more weight or credence or less weight or credence to the testimony of a police officer, simply because he or she is a

police officer?

PROSPECTIVE JUROR #081: Yes, I guess.

THE COURT: Yes, you would?

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

THE COURT: Do you understand my question?

PROSPECTIVE JUROR #081: Can you explain, please?

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

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

THE COURT: Credibility.

PROSPECTIVE JUROR #081: Oh, credibility? Yes.

THE COURT: Yeah.

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

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

PROSPECTIVE JUROR #081: Okay.

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

PROSPECTIVE JUROR #081: Okay. So –

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

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

THE COURT: Okay. Did you understand my question?

PROSPECTIVE JUROR #081: Yeah.

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

MS. ALLEN: Sure.

[Bench conference transcribed as follows:]

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

MR. MacARTHUR: Right.

MS. ALLEN: Oh, yeah.

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

MR. MAC ARTHUR: I mentioned this yesterday.

MS. LUZAICH: Uh-huh.

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

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

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

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

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

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

MS. ALLEN: You can let him go.

THE COURT: Usually – okay.

MS. ALLEN: Please, let him go.

MS. LUZAICH: Yeah.

MS. ALLEN: He's terrible.

THE COURT: Because it's really hurting my heart –

MR. MAC ARTHUR: Uh-huh.

THE COURT: -- that these other jurors are laughing at him.

MS. ALLEN: No, he clearly doesn't understand.

THE COURT: Yeah, I don't think he understood this last question, so –

MS. ALLEN: Yeah.

THE COURT: -- I'm just going to ask him to step out.

MR. MAC ARTHUR: Okay. No objection.

MS. ALLEN: No problem.

THE COURT: And calling – just so you all know who the next person is, --

MS. LUZAICH: McCreedy, something like that?

THE COURT: -- it's Richard McCreedy.

MS. ALLEN: Okay.

THE COURT: Okay.

MS. ALLEN: Thank you.

THE COURT: Thank you.

[Bench conference concluded]

THE COURT: Okay. Mr. Hernandez, thank you very much. I appreciate you answering – Mr. Hernandez-Diaz, correct?

PROSPECTIVE JUROR #081: Yes.

THE COURT: Okay. Thank you very much. I appreciate you answering the

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

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

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

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

PROSPECTIVE JUROR #085: Afternoon.

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

PROSPECTIVE JUROR #085: Almost 34 years.

THE COURT: Your employment, training, education background?

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

THE COURT: In what architecture?

PROSPECTIVE JUROR #085: Landscape architecture.

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

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

THE COURT: Your marital status?

PROSPECTIVE JUROR #085: Divorced.

THE COURT: Do you have any children?

PROSPECTIVE JUROR #085: I have one daughter.

THE COURT: Is she old enough to be employed?

PROSPECTIVE JUROR #085: No, she is not.

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

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

PROSPECTIVE JUROR #085: No, ma'am.

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

PROSPECTIVE JUROR #085: No.

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

PROSPECTIVE JUROR #085: My mother.

THE COURT: Okay.

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

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

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

THE COURT: Sure.

PROSPECTIVE JUROR #085: So –

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

PROSPECTIVE JUROR #085: Fifteen, 16 years old.

THE COURT: Okay.

PROSPECTIVE JUROR #085: Yeah.

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

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

THE COURT: So she told you generally –

PROSPECTIVE JUROR #085: Just to let –

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

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

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

PROSPECTIVE JUROR #085: No, ma'am.

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

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

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

PROSPECTIVE JUROR #085: To her parents.

THE COURT: And what happened?

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

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

PROSPECTIVE JUROR #085: No, ma'am.

THE COURT: Okay. Other than what you've just told us, have you or anyone close to you, such as a family member or friend, ever been the victim of sexual abuse, sexual assault or domestic violence?

PROSPECTIVE JUROR #085: My mother was also domestically – domestic violence with my father.

THE COURT: Okay. And I always hate to ask this but can you give me just kind of a brief statement?

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

THE COURT: Okay. And were the police called?

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

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

PROSPECTIVE JUROR #085: Witnessed.

THE COURT: You saw it?

PROSPECTIVE JUROR #085: Oh, yeah.

THE COURT: As a young person?

PROSPECTIVE JUROR #085: As a very young person, yes.

THE COURT: How young?

PROSPECTIVE JUROR #085: Probably five, six years old.

THE COURT: Okay. So really young?

PROSPECTIVE JUROR #085: Yes, ma'am.

THE COURT: All right. Did they stay together?

PROSPECTIVE JUROR #085: No, they did not.

THE COURT: Okay.

PROSPECTIVE JUROR #085: They were divorced.

THE COURT: And so at some point they got divorced?

PROSPECTIVE JUROR #085: Correct.

THE COURT: But were you aware of whether the police were called and there was any action by the government?

PROSPECTIVE JUROR #085: There were never charges brought against my father for any of that.

THE COURT: Okay. But you saw it with your own eyes?

PROSPECTIVE JUROR #085: Yes –

THE COURT: Okay.

PROSPECTIVE JUROR #085: -- I defended my mother several times.

THE COURT: I'm sorry.

PROSPECTIVE JUROR #085: I had defended my mother several times at that age.

THE COURT: At five?

PROSPECTIVE JUROR #085: Yes, ma'am.

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

PROSPECTIVE JUROR #085: No, ma'am.

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

PROSPECTIVE JUROR #085: Yes, ma'am.

THE COURT: Okay. Tell me about that.

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

THE COURT: He's a what biker?

PROSPECTIVE JUROR #085: One Percenter, outlaw.

THE COURT: Okay.

PROSPECTIVE JUROR #085: My brother –

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

PROSPECTIVE JUROR #085: He's never actually been convicted of anything but he's gone to court but never been –

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

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

THE COURT: Do you know what they are?

PROSPECTIVE JUROR #085: No, I do not.

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

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

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

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

THE COURT: Okay. Thank you.

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

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

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

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

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

THE COURT: So he's on probation?

PROSPECTIVE JUROR #085: Yes, ma'am.

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

PROSPECTIVE JUROR #085: Yes, ma'am.

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

PROSPECTIVE JUROR #085: Felony.

THE COURT: It's a felony?

PROSPECTIVE JUROR #085: Yes, ma'am.

THE COURT: And did you follow that case?

PROSPECTIVE JUROR #085: No, I did not.

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

PROSPECTIVE JUROR #085: About my brother?

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

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

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

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

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

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

PROSPECTIVE JUROR #085: No, ma'am.

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

PROSPECTIVE JUROR #085: No, ma'am.

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

PROSPECTIVE JUROR #085: Yes.

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

PROSPECTIVE JUROR #085: No, ma'am.

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

PROSPECTIVE JUROR #085: Yes.

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

PROSPECTIVE JUROR #085: No, ma'am.

THE COURT: And he's currently on probation?

PROSPECTIVE JUROR #085: Yes.

THE COURT: And how do you know that?

PROSPECTIVE JUROR #085: Just from –

THE COURT: Talking to him?

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

THE COURT: Good.

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

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

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

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

PROSPECTIVE JUROR #085: Yes, ma'am.

THE COURT: Okay. Anything about what you've told us that would affect your ability to be fair and impartial if you're selected to be on this panel?

PROSPECTIVE JUROR #085: No, ma'am.

THE COURT: Anything else?

PROSPECTIVE JUROR #085: No.

THE COURT: No. Okay. Would you have a tendency to give more weight or credence or less weight or credence to the testimony of a police officer, simply because he or she is a police officer?

PROSPECTIVE JUROR #085: No.

THE COURT: Okay. Can you wait in forming your opinion as to the appropriate result to be reached in this case until you've heard all of the evidence and after considering the instructions on the law, which will be given to you by myself at the end of the case? Can you do that?

PROSPECTIVE JUROR #085: Yes, ma'am.

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

PROSPECTIVE JUROR #085: No.

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

MS. LUZAICH: Thank you.

Good afternoon, Mr. McCreedy.

PROSPECTIVE JUROR #085: Afternoon.

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

PROSPECTIVE JUROR #085: No, he was not.

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

PROSPECTIVE JUROR #085: Yes, we are.

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

PROSPECTIVE JUROR #085: Yes.

MS. LUZAICH: So you can keep them separate?

PROSPECTIVE JUROR #085: Yes, ma'am.

MS. LUZAICH: You know, the Court asked you you won't hold it against us that your brother was prosecuted, right?

PROSPECTIVE JUROR #085: No, I will not.

MS. LUZAICH: Okay. You heard all the questions I was asking today and yesterday. You have a daughter, how old is your daughter?

PROSPECTIVE JUROR #085: She's ten.

MS. LUZAICH: So I assume you would agree that a woman has the absolute right to say no to sexual advances?

PROSPECTIVE JUROR #085: Yes, ma'am.

MS. LUZAICH: She ever give up that right?

PROSPECTIVE JUROR #085: No.

MS. LUZAICH: Is it any different for a child?

PROSPECTIVE JUROR #085: No, it is not.

MS. LUZAICH: Can you listen to kids – and when I say kids, I mean anybody under 18, not necessarily five or six – can you listen to kids testify and evaluate their testimony the same as you would any adult?

PROSPECTIVE JUROR #085: Yes, I feel I do. I can.

MS. LUZAICH: Do you think that it would be hard for a child to disclose any kind of physical or sexual abuse?

PROSPECTIVE JUROR #085: I feel that they can if they've been coaxed into, you know, that they're either going to get harmed or someone else is going to get harmed, if they do speak the truth or don't speak the truth.

MS. LUZAICH: Is that what it would take for you to think that? Like does a child have to be either threatened or something to not disclose? Could there be other reasons that a child wouldn't disclose, other than threats of harm?

PROSPECTIVE JUROR #085: Yes. They could have a block that they don't remember it, but, no, not that I can think of.

MS. LUZAICH: Maybe they just don't want to talk about it?

PROSPECTIVE JUROR #085: Or they don't want to talk about it, yes.

MS. LUZAICH: Is that something that you would – or you would consider to be embarrassing?

PROSPECTIVE JUROR #085: Yes.

MS. LUZAICH: Do you think that – well, do you think all kids are different?

PROSPECTIVE JUROR #085: Yes, ma'am.

MS. LUZAICH: Just like people are different?

PROSPECTIVE JUROR #085: Yes.

MS. LUZAICH: Do you think that people perceive things differently?

PROSPECTIVE JUROR #085: Yes, they do.

MS. LUZAICH: What would cause two different people to perceive the same thing differently in your mind?

PROSPECTIVE JUROR #085: It could be location. How they actually viewed the situation. It could be their domestication and how they were raised, by society or their parents or schooling to what they think is right and what they think is wrong. Each person can perceive something differently than anyone else, yes.

MS. LUZAICH: Okay. Thanks. Would you agree that some people can be terrible parents?

PROSPECTIVE JUROR #085: Yes, ma'am.

MS. LUZAICH: Would you hold that against kids?

PROSPECTIVE JUROR #085: No.

MS. LUZAICH: Do you have an opinion about people who exchange sex for money?

PROSPECTIVE JUROR #085: No, I don't.

MS. LUZAICH: So if you hear from somebody that they have in the past exchanged sex for money, can you still listen to what that person says and evaluate what they have to say objectively?

PROSPECTIVE JUROR #085: Yes, ma'am.

MS. LUZAICH: What about people who may describe things that they've done that you believe are really, really foolish and you would never have done?

PROSPECTIVE JUROR #085: Yes, I would listen to them for full credibility.

MS. LUZAICH: Listen to them –

PROSPECTIVE JUROR #085: Right.

MS. LUZAICH: -- at least objectively?

PROSPECTIVE JUROR #085: Objectively, sorry, yes.

MS. LUZAICH: Not automatically disbelieve what they have to say?

PROSPECTIVE JUROR #085: Correct.

MS. LUZAICH: Do you think you could be a good juror?

PROSPECTIVE JUROR #085: Yes, ma'am.

MS. LUZAICH: Why?

PROSPECTIVE JUROR #085: I can be impartial to listening to everybody and making that judgment off the rule or the law that has been given to – for that particular situation.

MS. LUZAICH: Listen to what everybody has to say before you make up your mind?

PROSPECTIVE JUROR #085: Yes, ma'am.

MS. LUZAICH: Is there anything about you that would prevent you from being able to sit in judgment of someone?

PROSPECTIVE JUROR #085: No.

MS. LUZAICH: And if you listened to all the testimony, see any evidence, if you were convinced beyond a reasonable doubt the Defendant committed the crimes he's charged with, would you be able to say the word guilty?

PROSPECTIVE JUROR #085: Yes, ma'am.

MS. LUZAICH: Thank you.

I'd pass for cause.

THE COURT: Okay. The panel is now yours.

MS. ALLEN: Thank you.

All right. Mr. McCreedy, I'll just start with you, since you have the microphone.

PROSPECTIVE JUROR #085: Sure thing.

MS. ALLEN: How are you this afternoon?

PROSPECTIVE JUROR #085: Doing good.

MS. ALLEN: You seem very eager to be on this jury?

PROSPECTIVE JUROR #085: Oh, it's definitely interesting.

MS. ALLEN: Why do you say that?

PROSPECTIVE JUROR #085: I have not been in this situation to be on a juror panel before.

MS. ALLEN: Have you ever been summonsed before? Is this your first time?

PROSPECTIVE JUROR #085: I was – six years of college and this is the first one since I got out of college that I've been able to attend.

MS. ALLEN: Did you attend college here?

PROSPECTIVE JUROR #085: Yes, ma'am.

MS. ALLEN: Okay. At UNLV?

PROSPECTIVE JUROR #085: Yes, ma'am.

MS. ALLEN: All right. You design parks, you said parks and trails, a lot of government and residential design?

PROSPECTIVE JUROR #085: Yes, a lot of government and residential.

MS. ALLEN: So you spend a lot of time outside?

PROSPECTIVE JUROR #085: Yes.

MS. ALLEN: You –

PROSPECTIVE JUROR #085: No, I pretty much color all day.

THE COURT: Wow –

MS. ALLEN: That's okay.

THE COURT: -- are you kidding?

PROSPECTIVE JUROR #085: Yeah, I make ugly buildings look pretty.

MS. ALLEN: That's a really good answer, all right.

THE COURT: I color – did he say I color all day [to court clerk]?

MS. ALLEN: You love your job, don't you?

PROSPECTIVE JUROR #085: I do love my job.

MS. ALLEN: You get to color all day long. You stay within the lines?

PROSPECTIVE JUROR #085: No. Makes it look better when it's outside the lines.

MS. ALLEN: I agree with you there. All right. Your brother or your, I'm sorry, your father – you said one percent, a 1 Percenter?

PROSPECTIVE JUROR #085: Right. That –

MS. ALLEN: I don't even – you would think I would know that. I had no idea. I actually had to turn to my co counsel, I don't understand what that is. Can you explain that? I have no idea.

PROSPECTIVE JUROR #085: It's – 1 Percenter is – there's a lot of people that ride bikes or motorcycles, street bikes.

MS. ALLEN: Okay.

PROSPECTIVE JUROR #085: One percent of them they're usually – is what they're called, they're an outlaw biker.

MS. ALLEN: Okay.

PROSPECTIVE JUROR #085: They – a Three Patcher is another way of saying it.

MS. ALLEN: Okay.

PROSPECTIVE JUROR #085: So.

MS. ALLEN: All right. I went to law school, I don't know, I guess I don't have a lot of practical commonsense sometimes. But you are close with your dad, is that

right?

PROSPECTIVE JUROR #085: Yes, ma'am.

MS. ALLEN: Okay. And you said he's been accused of a lot of things but never prosecuted?

PROSPECTIVE JUROR #085: Correct.

MS. ALLEN: Okay. When did your parents separate?

PROSPECTIVE JUROR #085: When I was like six years old, seven years old.

MS. ALLEN: Okay. Did you go back and forth between their homes?

PROSPECTIVE JUROR #085: Yes, ma'am.

MS. ALLEN: Okay. Would you say that your mom – your mom's way of raising you and your father's way of raising you are different?

PROSPECTIVE JUROR #085: Yes, ma'am.

MS. ALLEN: Very different?

PROSPECTIVE JUROR #085: My father was also a Marine, so it's very different.

MS. ALLEN: Oh, well, that's interesting. Okay. Was he stricter?

PROSPECTIVE JUROR #085: He was very strict.

MS. ALLEN: All right. So I would have expected the opposite answer, based upon what you just said about him being a One Percenter; but he wasn't, he was very strict with you?

PROSPECTIVE JUROR #085: Yes.

MS. ALLEN: Okay. Did you meet a lot of his friends?

PROSPECTIVE JUROR #085: Yes, ma'am.

MS. ALLEN: Okay. Are you still close to a lot of them?

PROSPECTIVE JUROR #085: Yes, ma'am.

MS. ALLEN: You – I think you agreed that – with Ms. Luzaich's assertion that it would be – sometimes it could be difficult for a child to disclose any sort of abuse, whether it's sexual or physical, even verbal abuse; would you agree with that?

PROSPECTIVE JUROR #085: Yes.

MS. ALLEN: Okay. Do you think that there are certain – and if I screw this up and you don't understand tell me – but do you think that there are certain people who a child might feel safer disclosing it to? Do you think, let's say, a police officer?

PROSPECTIVE JUROR #085: I would hope so, yes.

MS. ALLEN: Okay. What about a CPS worker, Child Protective Services?

PROSPECTIVE JUROR #085: I would hope so, yes.

MS. ALLEN: Okay. What about a school counselor?

PROSPECTIVE JUROR #085: Yes.

MS. ALLEN: Okay. How about a psychiatrist?

PROSPECTIVE JUROR #085: More so.

MS. ALLEN: All right. Do you think given the right circumstances a child would, let's say, be more likely to disclose to people like that than their neighbor?

PROSPECTIVE JUROR #085: Yes.

MS. ALLEN: Okay. Or maybe even a family member?

PROSPECTIVE JUROR #085: Yes.

MS. ALLEN: Okay. Those people may create a more safe environment for disclosure?

PROSPECTIVE JUROR #085: Yes.

MS. ALLEN: Okay. Do you think children have the ability to make things up? Just generally and things?

PROSPECTIVE JUROR #085: Yes, ma'am.

MS. ALLEN: Does your daughter make things up?

PROSPECTIVE JUROR #085: Yes, she does.

MS. ALLEN: All right. Are you good at catching her?

PROSPECTIVE JUROR #085: Yes, I am.

MS. ALLEN: All right. Do you think that children – and going further, have the ability to make up things like we're talking about today?

PROSPECTIVE JUROR #085: Yes, I do.

MS. ALLEN: Okay. Do you think a child naturally has – is embarrassed to talk about sex?

PROSPECTIVE JUROR #085: I think to a point where they don't have as much familiarity with it.

MS. ALLEN: Okay.

PROSPECTIVE JUROR #085: And, maybe, like was mentioned before with the media and social media and how things are done a little differently these – in the 2010s. Yes, I think they are a little more exposed to it and they probably know a little bit more.

MS. ALLEN: You were listening.

PROSPECTIVE JUROR #085: The whole time.

MS. ALLEN: Wow, I'm impressed. And everybody else was thinking where am I going for lunch, you were actually listening; well, thank you.

So you would agree that you can go on the Internet right now, even on your phone, right?

PROSPECTIVE JUROR #085: Yes, ma'am.

MS. ALLEN: And you can pull up –

PROSPECTIVE JUROR #085: Anything you wanted.

MS. ALLEN: -- anything. Pornography, any sort of naked picture, anything you wanted?

PROSPECTIVE JUROR #085: Yes, ma'am.

MS. ALLEN: Okay. If you wanted to, right. All right.

Do you agree that children have an easier access to that, let's say, now than ten years ago?

PROSPECTIVE JUROR #085: Yes, ma'am.

MS. ALLEN: And it's a lot easier now than it was ten years ago?

PROSPECTIVE JUROR #085: Yes.

MS. ALLEN: Okay. If you coupled that ease of gaining information with a home life that isn't structured, can you imagine the possibilities?

PROSPECTIVE JUROR #085: Yes.

MS. ALLEN: Okay. You said you had to defend your mother at various times?

PROSPECTIVE JUROR #085: Yes.

MS. ALLEN: Okay. Does that still affect you?

PROSPECTIVE JUROR #085: No, it does not.

MS. ALLEN: Okay. Do you think it affected you growing up?

PROSPECTIVE JUROR #085: Yes, it made me not want to touch any women. You know, I didn't – I was very aware that you were not allowed to –

MS. ALLEN: Hit women.

PROSPECTIVE JUROR #085: -- touch anybody or hit women or abuse anybody.

MS. ALLEN: Okay. All right. So it just – it increased your awareness of it?

PROSPECTIVE JUROR #085: That's correct.

MS. ALLEN: Okay. You didn't hold it against your father?

PROSPECTIVE JUROR #085: No.

MS. ALLEN: All right. Your mother – you said, I think, that you mother had experienced some abuse by her brother's best friend?

PROSPECTIVE JUROR #085: Yes, ma'am.

MS. ALLEN: Did she tell you about that?

PROSPECTIVE JUROR #085: Yes, ma'am.

MS. ALLEN: What was her affect when she told you? Do you remember?

PROSPECTIVE JUROR #085: Just to be knowledgeable really. She wasn't – it wasn't a very emotional thing. It was that it happened and that to make sure that the situation didn't happen to me, so. But it was not emotional for her when she told me.

MS. ALLEN: So it was practical?

PROSPECTIVE JUROR #085: It was very practical.

MS. ALLEN: Okay. This is what happened. Don't ever do this.

PROSPECTIVE JUROR #085: Right. Correct.

MS. ALLEN: Okay. All right. I thank you very much for your time, Mr. McCreedy.

PROSPECTIVE JUROR #085: You have a good day.

MS. ALLEN: You too. If you would pass it back to Ms. Ross.

I'm going to talk to you, Ms. Ross. How are you?

PROSPECTIVE JUROR #075: Good. How are you?

MS. ALLEN: I'm good. Thank you. I'm trying to wind this down and go quicker. So you heard some of the questions I've asked some of the other jurors?

PROSPECTIVE JUROR #075: Um-huh.

MS. ALLEN: You have to answer yes out loud.

PROSPECTIVE JUROR #075: Yes. Yes. Sorry.

MS. ALLEN: Okay. And, specifically, the questions that I was asking about, social media and just media in general. Do you think that – I think most of the jurors agree that it's sort of affected the younger generation of children.

PROSPECTIVE JUROR #075: Yeah.

MS. ALLEN: Would you agree with that as well?

PROSPECTIVE JUROR #075: Yes.

MS. ALLEN: Okay. Have you seen that – do you have children?

PROSPECTIVE JUROR #075: Yes, I do.

MS. ALLEN: Have you seen that at all with your kids? It have an effect on your kids?

PROSPECTIVE JUROR #075: No. Not –

MS. ALLEN: Is your home very structured?

PROSPECTIVE JUROR #075: I – well, I'm a single mother –

MS. ALLEN: Okay.

PROSPECTIVE JUROR #075: -- so it's just me and my son.

MS. ALLEN: I see.

PROSPECTIVE JUROR #075: So, yes, it's structured but he, he wouldn't – him and I are very close.

MS. ALLEN: Okay.

PROSPECTIVE JUROR #075: So he tells me everything.

MS. ALLEN: All right.

PROSPECTIVE JUROR #075: He's not one to look at stuff like that on the

Internet.

MS. ALLEN: Okay. How old – I'm sorry, how old is your son?

PROSPECTIVE JUROR #075: He's 13.

MS. ALLEN: He's 13, okay. But it's not just the Internet, is it; it's just television in general?

PROSPECTIVE JUROR #075: Well, it's everything; yeah, yes.

MS. ALLEN: Okay. You don't even have to – you don't have to go to HBO anymore to get it.

PROSPECTIVE JUROR #075: Sure. No, he sees it I mean in movies.

MS. ALLEN: Right.

PROSPECTIVE JUROR #075: Yeah. But he doesn't really have any comment on it, I mean.

MS. ALLEN: All right. Would you agree that based upon this, the idea that you can watch it on television, you can get it as easily as you can, I'm not talking about your son necessarily –

PROSPECTIVE JUROR #075: Um-huh.

MS. ALLEN: -- but generally, that it wouldn't be hard for someone who didn't have any experience with sex to then describe it?

PROSPECTIVE JUROR #075: Yes.

MS. ALLEN: Okay. Later?

PROSPECTIVE JUROR #075: Yes.

MS. ALLEN: Okay. It is that explicit. You can get that kind of explicit stuff on television, movies, that kind of thing?

PROSPECTIVE JUROR #075: Yes, correct.

MS. ALLEN: I think I asked Mr. Newman this, but you – do you understand

what a mandatory reporter is?

PROSPECTIVE JUROR #075: Yes.

MS. ALLEN: Okay. And just in your own words what would that be? Sorry.

PROSPECTIVE JUROR #075: Could you – I know you did ask him, but –

MS. ALLEN: Okay. So is it someone – when you – just taking the words, mandatory reporter –

PROSPECTIVE JUROR #075: Yes, um-huh.

MS. ALLEN: -- it's mandated, right? It's –

PROSPECTIVE JUROR #075: Somebody that would report.

MS. ALLEN: Has to, right?

PROSPECTIVE JUROR #075: Um-huh.

MS. ALLEN: They're obligated by law to report?

PROSPECTIVE JUROR #075: Correct.

MS. ALLEN: Do you know what – who would fall in that category?

PROSPECTIVE JUROR #075: Teachers, parents possibly –

MS. ALLEN: Okay. Do you think doctors would fall in that category?

PROSPECTIVE JUROR #075: Yes, yes, absolutely.

MS. ALLEN: Okay. Nurses?

PROSPECTIVE JUROR #075: Yes.

MS. ALLEN: Maybe even – well, I assume police officers or firefighters, something like that. You would assume it would be those type of –

PROSPECTIVE JUROR #075: Yes, yes.

MS. ALLEN: Okay. All right. When you heard the charges like I had asked some of the other ones, did this, the sexual assault, did that stand out to you?

PROSPECTIVE JUROR #075: That and the other charges as well, yes. It's--

MS. ALLEN: So it wasn't just the sexual assault?

PROSPECTIVE JUROR #075: It wasn't just the sexual assault.

MS. ALLEN: Okay.

PROSPECTIVE JUROR #075: Actually, my – sorry –

MS. ALLEN: That's okay.

PROSPECTIVE JUROR #075: My heart like beats very fast when I, when I hear stuff like that, because I – being – not only being a single mom but being a parent in general, I think of, if anything God forbid, happened to my child. It hits close to home.

MS. ALLEN: Okay. Do you think that will affect you hearing this case?

PROSPECTIVE JUROR #075: It's hard – it's hard to say. I don't think that I'd be able to hear them talking about it to be honest with you.

MS. ALLEN: Okay. When you say them, do you mean just any of the witnesses?

PROSPECTIVE JUROR #075: Any of the witnesses.

MS. ALLEN: So you think that your judgment might be impaired or it may suffer as a result of hearing people describe whatever, whatever they may come in here, based upon the charges, the sexual assault or whatever it is?

PROSPECTIVE JUROR #075: Correct –

MS. ALLEN: Okay.

PROSPECTIVE JUROR #075: Yes.

MS. ALLEN: And this sway in your judgment, does it – which side would it go against? Would it go against the State or the defense?

PROSPECTIVE JUROR #075: I mean I can't say. I – it – from what – hearing from what the – just from what the defense has explained of what the

charges are, I mean it –

MS. ALLEN: Do you mean the State?

PROSPECTIVE JUROR #075: Yes, that's what I – sorry.

MS. ALLEN: Oh, okay.

PROSPECTIVE JUROR #075: Sorry, sorry, yeah.

MS. ALLEN: That's okay.

PROSPECTIVE JUROR #075: Yes.

MS. ALLEN: So – this is always a really difficult question –

PROSPECTIVE JUROR #075: Yeah.

MS. ALLEN: -- and I never phrase it right, but if you were sitting where Mr. Harris was sitting –

PROSPECTIVE JUROR #075: Yes.

MS. ALLEN: -- if you were sitting at the defense table and you were the Defendant in this case --

PROSPECTIVE JUROR #075: Correct.

MS. ALLEN: -- would you be concerned about someone like you on your jury? Does that make sense?

PROSPECTIVE JUROR #075: Yes, it makes sense. I don't – I don't know. I mean it's – it's so hard and I don't want to be a concern. But, unfortunately, it's just how I feel.

MS. ALLEN: I understand. And I – don't ever feel like you can be honest, we prefer that you're honest up front and then, you know, let the chips fall where they may.

PROSPECTIVE JUROR #075: Right.

MS. ALLEN: But understand now what you're telling me is of concern for my

client.

PROSPECTIVE JUROR #075: Sure.

MS. ALLEN: Okay. And so I – well, and I would want fair to both sides. I mean it's not – I'm not looking for someone who is absolutely, you know, sides with the defense either. I mean people need to be fair and impartial.

PROSPECTIVE JUROR #075: Right.

MS. ALLEN: But if these charges are going to affect you or if you think that hearing let's say a child of 12, 13, 14, 15-year-old child talk about something like that and if you think that's going to affect you, this would be the time to disclose that.

PROSPECTIVE JUROR #075: Yes, absolutely. I just don't think – I would picture my child up there and I just – I can't – I wouldn't be able to listen to another child saying that, honestly.

MS. ALLEN: Okay. So if one got up and testified, you think that would be the end of it –

PROSPECTIVE JUROR #075: Yeah.

MS. ALLEN: -- and you'd be done?

PROSPECTIVE JUROR #075: Yeah.

MS. ALLEN: Okay. Do you think maybe you're –

PROSPECTIVE JUROR #075: Unfortunately.

MS. ALLEN: -- suited for a stolen car case?

PROSPECTIVE JUROR #075: Possibly, yes.

MS. ALLEN: Or a –

PROSPECTIVE JUROR #075: Yes.

MS. ALLEN: -- car accident case?

PROSPECTIVE JUROR #075: Yes.

MS. ALLEN: No, I appreciate you being honest, Ms. Ross, I really, really do. I know it takes a lot sometimes to say that.

PROSPECTIVE JUROR #075: Yeah.

MS. ALLEN: I appreciate it.

PROSPECTIVE JUROR #075: I'm sorry.

MS. ALLEN: No, don't ever apologize for that. Thank you so much. I appreciate it.

Let's see, I'm going to ask you to pass the microphone all the way down and I'm going to butcher your name, so I'm not even going to say it.

THE COURT: Ms. Allen is there going to be a motion?

MS. ALLEN: Um-huh.

THE COURT: Okay. Can the parties approach?

[Bench conference transcribed as follows:]

MS. ALLEN: I'm sorry. I just –

THE COURT: That's okay.

MS. ALLEN: No, I thought you wanted us to do it at the end.

THE COURT: No.

MS. ALLEN: That's why I wasn't going to ask for cause.

THE COURT: No. I like 'em to do it.

MS. ALLEN: Okay.

THE COURT: So I can hear what they say.

MS. ALLEN: I understand.

THE COURT: So I'm assuming there's a challenge for cause?

MS. ALLEN: Challenge for cause, um-huh.

MS. LUZAICH: I just don't think that it rises to deliberate cause. I mean it's

preempt for sure. But nobody wants to sit on this, nobody wants to listen to it.

MR. MAC ARTHUR: I want to sit on something. I'm never going to be allowed to.

MS. LUZAICH: Well, me too, but.

THE COURT: She said if a kid gets up and testifies, she's done.

MS. ALLEN: She can't listen to anybody else.

THE COURT: Okay.

MS. LUZAICH: Oh, I guess I took that differently. Okay.

THE COURT: Well, I took –

MS. ALLEN: She couldn't hear anything. I'm saying, I just –

THE COURT: I took it that she was just

MS. LUZAICH: Done -- I took it as done; upset. Whatever.

THE COURT: Well, do you want to take her on voir dire?

MS. LUZAICH: No, no, that's fine. That's fine.

THE COURT: Okay. Any objection then?

MS. LUZAICH: No.

THE COURT: Okay. The challenge for cause is granted. The number two will now be Tom Shinkawa.

MS. LUZAICH: Can't we get a Jones or a Smith or?

THE COURT: Can we get –

MR. MAC ARTHUR: Could we get an Anglo – did you just ask for an anglicized name?

THE COURT: Sure.

MS. LUZAICH: A name that's easy to say.

THE COURT: You know what if there were --

MS. ALLEN: Allen.

MS. LUZAICH: Allen.

THE COURT: -- if were any –

MS. ALLEN: I know. There's an Allen.

MR. MAC ARTHUR: What if we want an Obakunda [phonetic].

MS. ALLEN: Does that mean –

THE COURT: That would be – Allen is already on the panel.

MS. LUZAICH: Actually, that wouldn't be too hard say.

MS. ALLEN: Are you going to receive this person now –

THE COURT: Right now.

MS. ALLEN: -- and question them?

THE COURT: That's why I do it.

MS. ALLEN: So I'm going to sit down.

THE COURT: Right.

MS. ALLEN: Okay.

THE COURT: Okay.

MS. ALLEN: Awesome.

[Bench conference concluded]

THE COURT: Okay. Ms. Ross, I'm just going to ask you to step out of the box. Do you have the microphone?

PROSPECTIVE JUROR #075: Yes.

THE COURT: Oh, okay. Thank you. If you'll just step down and you can sit in the back, wherever you would like.

Tom Shinkawa, you will now become juror number 2. Mr. Shinkawa can you tell me how long – if you'd pass the microphone down, that's very nice.

Thank you.

How long have you lived in Clark County?

PROSPECTIVE JUROR #089: I moved here in '81, so that's – be about 33 years.

THE COURT: Thirty-three years. Your education background?

PROSPECTIVE JUROR #089: High school.

THE COURT: What do you do for a living?

PROSPECTIVE JUROR #089: I'm retired from Clark County.

THE COURT: You worked for the government, Clark County?

PROSPECTIVE JUROR #089: Yes.

THE COURT: What did you do for Clark County?

PROSPECTIVE JUROR #089: Sunset maintenance, parks and recreation.

THE COURT: You worked at Sunset Park?

PROSPECTIVE JUROR #089: Yes.

THE COURT: And you took care of the park?

PROSPECTIVE JUROR #089: Yes.

THE COURT: For how many years?

PROSPECTIVE JUROR #089: About 17.

THE COURT: That's one of my favorite parks, so thank you. Your marital status?

PROSPECTIVE JUROR #089: Single.

THE COURT: Do you have any children?

PROSPECTIVE JUROR #089: No, just stepchildren, not mine.

THE COURT: How many stepchildren do you have?

PROSPECTIVE JUROR #089: Three.

THE COURT: Three?

PROSPECTIVE JUROR #089: Well, I got – make that two.

THE COURT: Two. Okay. Are they old enough to be employed?

PROSPECTIVE JUROR #089: Yes.

THE COURT: Can you tell me what they do for a living?

PROSPECTIVE JUROR #089: One's a cabdriver at the airport and the other one works construction.

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

PROSPECTIVE JUROR #089: No reason.

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

PROSPECTIVE JUROR #089: Long time ago, maybe about 2009.

THE COURT: That's not that long ago. Was it here in this building?

PROSPECTIVE JUROR #089: I really can't say. I really don't know.

THE COURT: Okay. Was it civil or criminal?

PROSPECTIVE JUROR #089: It was criminal.

THE COURT: Is this the first time that you've been to this building?

PROSPECTIVE JUROR #089: Yes.

THE COURT: Okay. Then if you served as a juror it had to have been in another building, right?

PROSPECTIVE JUROR #089: It probably was the old Bridger Building. I'm not too sure, then.

THE COURT: Okay. Yeah, have you noticed, the old Bridger Building –

PROSPECTIVE JUROR #089: Yeah, it's –

THE COURT: -- is now, oof. It's just dirt now. Was it a civil or criminal case?

PROSPECTIVE JUROR #089: I believe it was criminal.

THE COURT: Were you selected to be the foreperson?

PROSPECTIVE JUROR #089: No, I was not.

THE COURT: Without telling me what your verdict was, were you able to reach a verdict?

PROSPECTIVE JUROR #089: The Defendant, I believe, pleaded out.

THE COURT: Okay. So it was resolved without you having to deliberate?

PROSPECTIVE JUROR #089: Correct.

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

PROSPECTIVE JUROR #089: No.

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

PROSPECTIVE JUROR #089: Victim of a crime?

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

PROSPECTIVE JUROR #089: No.

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

PROSPECTIVE JUROR #089: Myself domestic violence.

THE COURT: Yourself?

PROSPECTIVE JUROR #089: Yes.

THE COURT: You were the victim of a domestic violence?

PROSPECTIVE JUROR #089: Yes.

THE COURT: Okay. Can you tell me a little bit about that, what happened?

PROSPECTIVE JUROR #089: My wife assaulted me. She punched me in the mouth and I said I wasn't going to have any of that and I called the cops.

THE COURT: Okay.

PROSPECTIVE JUROR #089: The cops came out. They took her into custody, but for some reason the cop knew my wife and –

THE COURT: For some reason the cop knew your wife?

PROSPECTIVE JUROR #089: Yes.

THE COURT: Okay.

PROSPECTIVE JUROR #089: The sergeant did. So –

THE COURT: What?

PROSPECTIVE JUROR #089: The sergeant.

THE COURT: So a sergeant came?

PROSPECTIVE JUROR #089: Yes.

THE COURT: And the sergeant knew who your wife was?

PROSPECTIVE JUROR #089: Yes.

THE COURT: What did your wife do for a living?

PROSPECTIVE JUROR #089: Well, she was in real estate for a period of time and then work restaurants as a waitress –

THE COURT: Okay.

PROSPECTIVE JUROR #089: -- and a hostess.

THE COURT: But she knew the sergeant?

PROSPECTIVE JUROR #089: Yes.

THE COURT: She got arrested and then what happened?

PROSPECTIVE JUROR #089: No, she was not arrested.

THE COURT: Oh, she was not?

PROSPECTIVE JUROR #089: No. They just kept her back in the patrol car for awhile.

THE COURT: And then what did they do?

PROSPECTIVE JUROR #089: Nothing.

THE COURT: They let her out?

PROSPECTIVE JUROR #089: Well, they just – I was going to work, so they let me go to work and they just released and tell her go in the house and stay away from him.

THE COURT: Okay. And then you went to work?

PROSPECTIVE JUROR #089: Yes.

THE COURT: And when you came home from work was she there?

PROSPECTIVE JUROR #089: Yes.

THE COURT: Okay. Did everything work out?

PROSPECTIVE JUROR #089: Yes.

THE COURT: Okay. So she wasn't arrested; no charges were filed, nothing like that?

PROSPECTIVE JUROR #089: Nothing like that.

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

PROSPECTIVE JUROR #089: I will be fair and impartial in this case.

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

PROSPECTIVE JUROR #089: Not to my knowledge.

THE COURT: Okay. Would you have a tendency to give more weight or credence or less weight or credence to the testimony of a police officer, simply

because he or she is a police officer?

PROSPECTIVE JUROR #089: I will give no more credence.

THE COURT: Okay. Let me make – what was your answer?

PROSPECTIVE JUROR #089: No more credence. I mean it's just the testimony would be weighed on.

THE COURT: Okay. So you would treat that person in – the same way you would treat any other witness?

PROSPECTIVE JUROR #089: Yes, ma'am.

THE COURT: Okay. Thank you. If you're selected to be on this panel, can you wait in forming your opinion as to the appropriate result to be reached in this case until you have heard all of the evidence from both sides and after you are instructed on the law by myself? Can you do that?

PROSPECTIVE JUROR #089: Yes, ma'am.

THE COURT: Okay. Can you think of any reason at all why you could not be a completely fair and impartial juror if you were selected to serve on this panel?

PROSPECTIVE JUROR #089: No reason, ma'am.

THE COURT: Thank you, sir. And, again, thank you very much for your patience and your courtesy.

Ms. Luzaich –

MS. LUZAICH: Thank you.

THE COURT: -- you may question this juror.

MS. LUZAICH: Good afternoon, Mr. Shinkawa. How did you feel about that when the police officer, the sergeant released her?

PROSPECTIVE JUROR #089: I got no problems with her being release and everything else. But it was a just a judgment call on his part because he really don't

want to take her downtown and book her. And it was – I didn't want to see her go to jail either, but it was nice to see her in a patrol car, in the back.

MS. LUZAICH: I get that. But I guess my question is more did it make you angry that he released her instead of taking her away?

PROSPECTIVE JUROR #089: No, ma'am.

MS. LUZAICH: Okay. The – is that the only time you got to see her in the back of a patrol car?

PROSPECTIVE JUROR #089: Yes, ma'am.

MS. LUZAICH: She never hit you again?

PROSPECTIVE JUROR #089: Never touched me again.

MS. LUZAICH: Okay. That's a good thing. The two step kids that you mentioned, would they be her kids?

PROSPECTIVE JUROR #089: Yes, ma'am.

MS. LUZAICH: Did you participate in raising them or were they already older when you came into their lives?

PROSPECTIVE JUROR #089: The daughter, Jeanine, she was 13 years old and she was living with my wife then. And she'd move in with her brother. So she moved out the house after she ran away. So it's one of them things.

MS. LUZAICH: Why did she run away?

PROSPECTIVE JUROR #089: Headstrong. She knows everything. You know, the same thing like any teenager does; you know, they know everything. They know what you know and they know more.

MS. LUZAICH: Of course they do. How – is the son older than her?

PROSPECTIVE JUROR #089: Yes.

MS. LUZAICH: A bit older?

PROSPECTIVE JUROR #089: I would say about – I would say eight years older.

MS. LUZAICH: So when you came into their lives, he was already not living with his mom?

PROSPECTIVE JUROR #089: Yes. He was living with his father.

MS. LUZAICH: Okay. Did you have any decision making authority when it came to the daughter or was she just out of the house and not living with you?

PROSPECTIVE JUROR #089: She lived with us for awhile but then, you know, then she ran away. And then the – we couldn't control her, you know. So she moved in with the son.

MS. LUZAICH: Did she ever come back to your house and live?

PROSPECTIVE JUROR #089: Yes, for awhile, but you know, just, eh, uh.

MS. LUZAICH: In and out?

PROSPECTIVE JUROR #089: In and out.

MS. LUZAICH: Was it a difficult situation for you?

PROSPECTIVE JUROR #089: A little bit, but it's baggage that some people have and you have to deal with it.

MS. LUZAICH: All right. Okay. So in light of that, do you feel that you have a little bit of experience dealing with kids and kind of evaluating what they have to say?

PROSPECTIVE JUROR #089: Yes, ma'am.

MS. LUZAICH: Can you evaluate the testimony of kids the same as you would any other witness?

PROSPECTIVE JUROR #089: Yes, ma'am.

MS. LUZAICH: With an open mind objectively?

PROSPECTIVE JUROR #089: Yes, ma'am.

MS. LUZAICH: Do you think that it might be hard for kids to disclose abuse to someone else?

PROSPECTIVE JUROR #089: It has to do with the individual child. Sometimes they make up things. And sometimes they tell the truth. So you just have to evaluate for what the situation, what the person says.

MS. LUZAICH: Okay. But just like adults sometimes they make up things, sometimes they tell the truth, right?

PROSPECTIVE JUROR #089: Correct.

MS. LUZAICH: Can you think of reasons that a kid might not disclose that they were being abused?

PROSPECTIVE JUROR #089: Yes, ma'am.

MS. LUZAICH: What might some reasons be in your mind?

PROSPECTIVE JUROR #089: Would be, probably, shame and then the peer pressure of the other parent or whatever saying something. And then the loss of the family structure.

MS. LUZAICH: Do you think that it is embarrassing to have to talk about things of that nature?

PROSPECTIVE JUROR #089: Yes.

MS. LUZAICH: Okay. Is that something that you might take into consideration when evaluating testimony?

PROSPECTIVE JUROR #089: Yes.

MS. LUZAICH: Do you think that – well, do you have an opinion about individuals who exchange sex for money?

PROSPECTIVE JUROR #089: No, ma'am. It's – there has to be a reason,

but if – it's their business.

MS. LUZAICH: Okay. Illegal, but it's still what they do?

PROSPECTIVE JUROR #089: I have an opinion on this, if you want to hear it?

MS. LUZAICH: I – absolutely I want to hear it.

PROSPECTIVE JUROR #089: Everybody does it for money.

MS. LUZAICH: In one way or another?

PROSPECTIVE JUROR #089: In one way or another. In other words –

MS. LUZAICH: Okay.

PROSPECTIVE JUROR #089: -- you married a person and it's the long term. Don't marry the person, it's the short term.

MS. LUZAICH: I like that. Okay. So if somebody in court tells you about how they have actually exchanged sex for money, in the illegal sense, can you still listen to what that person has to say and be objective?

PROSPECTIVE JUROR #089: Yes, ma'am.

MS. LUZAICH: You won't automatically disbelieve what they have to say simply because they've told you that they exchanged sex for money, which is a crime?

PROSPECTIVE JUROR #089: Which is a crime, yes, but it's still their testimony and you have to give weight to anything what they say.

MS. LUZAICH: Okay. Are you expecting to see or hear anything in this trial?

PROSPECTIVE JUROR #089: Expecting? I just expect the truth, ma'am.

MS. LUZAICH: Okay. So do we. You've heard the questions that I've asked over the last two days, is there anything that you think that I need to know in light of what I've been asking about you? Is there anything you think I need to know or we

need to know about you?

PROSPECTIVE JUROR #089: No, ma'am. Everything you ask me, I'll answer.

MS. LUZAICH: Do you think you would be a good juror?

PROSPECTIVE JUROR #089: Yes, ma'am.

MS. LUZAICH: Why?

PROSPECTIVE JUROR #089: I'm fair and impartial. I listen to everything, then I make my decision.

MS. LUZAICH: Okay. Is there anything about you that would prevent you from being able to sit in judgment of somebody?

PROSPECTIVE JUROR #089: No, ma'am. I can –

MS. LUZAICH: You hesitated.

PROSPECTIVE JUROR #089: I always hesitate because I have to think important questions through.

MS. LUZAICH: Okay. Thank you. I appreciate that. So if you serve as a juror in this case and you listen to all the testimony, see any evidence that might be admitted, if you are convinced beyond a reasonable doubt the Defendant committed the crimes that he is charged with, would you be able to say the word guilty?

PROSPECTIVE JUROR #089: Yes, ma'am.

MS. LUZAICH: Thank you. Pass for cause

THE COURT: Ms. Allen –

MS. ALLEN: Yes.

THE COURT: -- it's your panel

MS. ALLEN: Thank you.

Good afternoon, Mr. Shinkawa.

PROSPECTIVE JUROR #089: Good afternoon.

MS. ALLEN: How are you?

PROSPECTIVE JUROR #089: Okay.

MS. ALLEN: I think – oh, you were asked if you served on a jury before, is that right?

PROSPECTIVE JUROR #089: Say again.

MS. ALLEN: You served on a jury before, is that right?

PROSPECTIVE JUROR #089: Yes, a long time ago.

MS. ALLEN: Okay. I can't remember if you said it was a good experience, bad experience?

PROSPECTIVE JUROR #089: It was an enlightening experience.

MS. ALLEN: Enlightening?

PROSPECTIVE JUROR #089: Yeah.

MS. ALLEN: Would you say that you – were you – would you say you were glad you did it?

PROSPECTIVE JUROR #089: Yes.

MS. ALLEN: Okay. All right. I have to say, I think – I just – your answers were very entertaining and I really liked them, so I really don't think I'm going to pick you on all that much.

PROSPECTIVE JUROR #089: Thank you.

MS. ALLEN: You're welcome. If you could just pass – I was going towards seat number 7, if you could pass it down.

PROSPECTIVE JUROR #089: Okay.

MS. ALLEN: And I promise I'll get to you this time. Could you say your last name for me?

PROSPECTIVE JUROR #015: Urquico [pronounces name].

MS. ALLEN: Urquico [pronounces name]?

PROSPECTIVE JUROR #015: Yes.

MS. ALLEN: How are you?

PROSPECTIVE JUROR #015: All right. How you doing?

MS. ALLEN: Okay. So tell me, excited about your jury summons?

PROSPECTIVE JUROR #015: No.

MS. ALLEN: Not at all?

PROSPECTIVE JUROR #015: Not at all.

MS. ALLEN: Why not?

PROSPECTIVE JUROR #015: Well, one, it just – you know, it takes time out of your stuff. But then also I'm a very timid person.

MS. ALLEN: Okay.

PROSPECTIVE JUROR #015: Yeah. So –

MS. ALLEN: You don't like to talk?

PROSPECTIVE JUROR #015: Not really, no.

MS. ALLEN: So I'm going to sit here and make you talk –

PROSPECTIVE JUROR #015: Yeah.

MS. ALLEN: -- in front of everybody. All right. So you're not going to – you're not aspiring to be a lawyer someday?

PROSPECTIVE JUROR #015: No.

MS. ALLEN: So you can get up and talk in front of a bunch of people –

PROSPECTIVE JUROR #015: No, I'm the guy that –

MS. ALLEN: -- and bore them and listening?

PROSPECTIVE JUROR #015: No, I'm guy that likes to clock in, make my

money and go home.

MS. ALLEN: All right. What kind of work do you do?

PROSPECTIVE JUROR #015: I'm a bartender.

MS. ALLEN: Oh, okay, all right. Doesn't that require you to talk to people?

PROSPECTIVE JUROR #015: It requires me to BS with people, yes.

MS. ALLEN: Aren't you a smooth, smooth dude. Aren't you like a pseudo psychiatrist or something?

PROSPECTIVE JUROR #015: No, no.

MS. ALLEN: Don't you ever listen to people gripe and complain about everything?

PROSPECTIVE JUROR #015: I do. But see over here I tell the truth or I have to tell the truth. Over there, I can tell you what you want to hear, so make my tip bigger.

MS. ALLEN: Oh, I bet that could get very creative?

PROSPECTIVE JUROR #015: Yeah.

MS. ALLEN: And you strike me as a very creative kind of person. All right. So you like your job?

PROSPECTIVE JUROR #015: Yes, I do.

MS. ALLEN: All right. So you – for you it pretty much sucks being here, is that right?

PROSPECTIVE JUROR #015: I wouldn't say sucks, but –

MS. ALLEN: You don't want to be here?

PROSPECTIVE JUROR #015: Yeah.

MS. ALLEN: All right. Are you the kind of juror that you think can sit through this case – I mean I know you don't want to be here – but if –

PROSPECTIVE JUROR #015: No, I mean I can do what is expected of me. But, like I said, I'm a very timid person to where – like you brought up before, I was thinking about the question you asked, it was: If it was 11 to 1.

MS. ALLEN: Oh, I think Lisa asked that.

PROSPECTIVE JUROR #015: Oh, yeah. If it was 11 to 1, I might, I don't know.

MS. ALLEN: Cave?

PROSPECTIVE JUROR #015: Yeah. I'm a very timid; I'm like, okay.

MS. ALLEN: So you're not the stand your ground kind of guy?

PROSPECTIVE JUROR #015: No.

MS. ALLEN: All right.

PROSPECTIVE JUROR #015: No.

MS. ALLEN: You seem like you probably are open-minded though?

PROSPECTIVE JUROR #015: Yes.

MS. ALLEN: Very open-minded?

PROSPECTIVE JUROR #015: Yes.

MS. ALLEN: All right. But if its five to five and 11 people are saying X and you're saying Y at first, you know, you're going to probably say, oh, uh.

PROSPECTIVE JUROR #015: I mean I'll speak my mind once and if it comes to too much pressure, I might start questioning myself, start questioning what I see.

MS. ALLEN: Okay. All right. Okay. Fair enough. Do the – did the charges bother you, the number, the kind, what –

PROSPECTIVE JUROR #015: Yes, just the age.

MS. ALLEN: What do you mean?

PROSPECTIVE JUROR #015: Of the victims or of the people in there. I have two children of my own, so.

MS. ALLEN: You what? Two kids of your own?

PROSPECTIVE JUROR #015: Yeah, so.

MS. ALLEN: Okay. How old are your kids?

PROSPECTIVE JUROR #015: Six and three.

MS. ALLEN: All right. So they're young?

PROSPECTIVE JUROR #015: Yes.

MS. ALLEN: Okay. But the three-year-old is just sort of starting to be verbal?

PROSPECTIVE JUROR #015: He's a little more advanced 'cause he picked up stuff early from his older brother.

MS. ALLEN: Yeah, that's a problem.

PROSPECTIVE JUROR #015: Yes.

MS. ALLEN: Especially when they start getting older.

PROSPECTIVE JUROR #015: So he acts older than he really is.

MS. ALLEN: Okay. All right. So you see your 3-year-old imitating this 6-year-old?

PROSPECTIVE JUROR #015: Yes.

MS. ALLEN: Okay. Do you think that can carry over into older children, like a 12-year-old imitating a 17-year-old?

PROSPECTIVE JUROR #015: Um, it could.

MS. ALLEN: I mean siblings.

PROSPECTIVE JUROR #015: It could.

MS. ALLEN: Okay. You could see like a 12-year-old looking up to their older brother or sister and –

PROSPECTIVE JUROR #015: Yes.

MS. ALLEN: -- imitating them?

PROSPECTIVE JUROR #015: Yes.

MS. ALLEN: Do you have siblings?

PROSPECTIVE JUROR #015: Yes, I have one younger brother.

MS. ALLEN: You have one what?

PROSPECTIVE JUROR #015: Younger brother.

MS. ALLEN: Younger brother?

PROSPECTIVE JUROR #015: Yes.

MS. ALLEN: How much younger?

PROSPECTIVE JUROR #015: Three years.

MS. ALLEN: Three years younger?

PROSPECTIVE JUROR #015: Yeah.

MS. ALLEN: Did you ever find that he did that with you sort of?

PROSPECTIVE JUROR #015: Yes.

MS. ALLEN: Try to follow you around?

PROSPECTIVE JUROR #015: He always wanted to follow me around everywhere and --

MS. ALLEN: Want to hang out with you and your buddies?

PROSPECTIVE JUROR #015: Yeah.

MS. ALLEN: Yeah?

PROSPECTIVE JUROR #015: Yeah.

MS. ALLEN: Okay. He was annoying, wasn't he?

PROSPECTIVE JUROR #015: Yes, he was.

MS. ALLEN: Yeah. All right. Okay. I thank you for your time.

PROSPECTIVE JUROR #015: Thank you.

MS. ALLEN: And I'm done and so you're off – the spotlight is off, okay, I know.

Let's see Ms. Randolph. If you could pass the microphone, please.

PROSPECTIVE JUROR #033: Hello.

MS. ALLEN: Hi, how are you?

PROSPECTIVE JUROR #033: Okay.

MS. ALLEN: I'm good. Tired is what I am. I noticed there was some reaction that you had to some of the things I had said earlier before lunch and you're shaking your head sort of emphatically, at least for the purpose of jury selection. Can you tell me what were some – what was something that struck you? 'Cause I saw that you were reacting to it, so what was it that struck you?

PROSPECTIVE JUROR #033: It's with a case involving the kids. It's not really just a sexual assault, but the fact that it's with minors it is just, really, disturbing.

MS. ALLEN: That bothers you?

PROSPECTIVE JUROR #033: Yes, it does.

MS. ALLEN: Okay. Is this something that's going to disturb you to the point of not being able to be fair?

PROSPECTIVE JUROR #033: Yesterday I thought it wouldn't and I was really looking forward to serve. I mean as of – I mean right now, I really don't know. I couldn't say.

MS. ALLEN: Okay. So you're –

PROSPECTIVE JUROR #033: I'm just being totally honest, yes.

MS. ALLEN: All right. No, no, no, no; total honesty.

PROSPECTIVE JUROR #033: That's being totally honest.

MS. ALLEN: So you're having second thoughts?

PROSPECTIVE JUROR #033: Yes, I am.

MS. ALLEN: Okay. And it's really just the idea that there's children who could be coming in here and testifying about this?

PROSPECTIVE JUROR #033: Exactly, exactly.

MS. ALLEN: Things that you just, in your mind, you don't think that they would know?

PROSPECTIVE JUROR #033: It's just that I didn't – that involves kids.

MS. ALLEN: Okay. Is that 'cause you work with them?

PROSPECTIVE JUROR #033: Yes.

MS. ALLEN: Okay. Do you think it's possible for children to make things up?

PROSPECTIVE JUROR #033: Yes, I do think it's possible. Yes.

MS. ALLEN: In instances like this, do you think it's possible to make it up?

PROSPECTIVE JUROR #033: I think it's possible but highly unlikely.

MS. ALLEN: Highly unlikely?

PROSPECTIVE JUROR #033: Yes.

MS. ALLEN: All right. And so in your mind – this is probably yanking it on. I really apologize, I'm tired. In your mind, then, I guess you sort of rest with the State in that you kind of think that what they bring in would – you would be more in line with what they brought in?

PROSPECTIVE JUROR #033: I tend to lean with the theory where there's smoke there's fire.

MS. ALLEN: Okay.

PROSPECTIVE JUROR #033: That's only been 'cause of my experience,

that I – what I've seen, witnessed. Not just – just kids in general, that's not necessarily a sexual assault but just in general, yes.

MS. ALLEN: Just abuse in general or –

PROSPECTIVE JUROR #033: Right, exactly.

MS. ALLEN: Okay. So it could be abuse, it could be sexual assault, it could –

PROSPECTIVE JUROR #033: Right, exactly.

MS. ALLEN: -- variety of things?

PROSPECTIVE JUROR #033: Exactly.

MS. ALLEN: All right. Do you think then you'd be suited for, like, a stolen car?

PROSPECTIVE JUROR #033: Maybe.

MS. ALLEN: You're like no jury at all, right? Just no jury service at all?

PROSPECTIVE JUROR #033: I just – I just don't know really, how partial I could really be. I'm just being totally honest with you.

MS. ALLEN: Again –

PROSPECTIVE JUROR #033: Yeah, yeah.

MS. ALLEN: -- I, I – no one thinks any differently of you, I promise, we all just want the honest truth.

PROSPECTIVE JUROR #033: And I'm very analytical at times, very analytical.

MS. ALLEN: Okay.

PROSPECTIVE JUROR #033: But it's just going to be – I know it would be difficult not to have my emotions, you know.

MS. ALLEN: Not to have like an emotional response to this, okay.

PROSPECTIVE JUROR #033: Exact.

MS. ALLEN: Are you kind of like Ms. Ross where you thought if I hear the first one, like, I'm kind of done after that?

PROSPECTIVE JUROR #033: I really don't know. I just, I just think about, you know, my job and seeing the kids. You know how I'm directly with the kids all the time. I just have a feeling it's going to be really difficult to sit through that.

MS. ALLEN: Okay. From the standpoint of the defense and Mr. Harris then, again, this question never comes out right when I say it; but if you were sitting at defense table in Mr. Harris' position, would you be concerned about having a juror like you?

PROSPECTIVE JUROR #033: Yes.

MS. ALLEN: Okay. All right.

THE COURT: Okay. Why – if you or someone you loved were sitting at a defense table, you've indicated you'd have a problem with a juror like you, why is that?

PROSPECTIVE JUROR #033: Because the situation involves kids --

THE COURT: Okay.

PROSPECTIVE JUROR #033: -- whether it's just allegations, we don't know that; it's just that would be – that's going to be troubling towards it.

THE COURT: Okay.

PROSPECTIVE JUROR #033: I'm just being –

THE COURT: And so – I'm just trying to understand –

PROSPECTIVE JUROR #033: Right, right.

THE COURT: -- what you're saying.

PROSPECTIVE JUROR #033: Right.

THE COURT: Are you saying because of the allegations you don't think you

can be fair to the parties in this matter?

PROSPECTIVE JUROR #033: I would try to be and I can you tell I would be fair but I couldn't promise you that my emotions wouldn't get involved and I would lean towards the State.

THE COURT: Okay. All right. Because you understand we can't wait until we get in the middle of the case or the end?

PROSPECTIVE JUROR #033: Right. Exactly. That's why I'm telling you that now, yeah.

THE COURT: Or the end of the case?

PROSPECTIVE JUROR #033: Exactly. I wouldn't – I would want a fair trial. If I was the Defendant – if it was me at the table, I would want a fair trial. I would wouldn't want someone that, you know, that their emotions get in the way and –

THE COURT: Okay.

PROSPECTIVE JUROR #033: -- and that's someone's life on the line.

THE COURT: Right. I agree with that. Are you a person that you believe you won't be able to give these people a fair trial?

PROSPECTIVE JUROR #033: I would try my hearts of hearts, but to hear the kids testify would be the hardest part.

THE COURT: Okay.

PROSPECTIVE JUROR #033: If I could just read something or if it was just all – but, you know, to actually see a witness, a young witness, you know, recall events like that, whether it's alleged or really did happen, wouldn't matter, just to see a child, you know, recall something like that would be – it's going to be very disturbing.

THE COURT: Not much of what we do in here is easy, okay.

PROSPECTIVE JUROR #033: Right.

THE COURT: Pretty much everything we do –

PROSPECTIVE JUROR #033: Right, exactly.

THE COURT: -- in here is hard. Okay. So even if it is going to be hard, are – I mean because it's going to be hard, is that going to interfere with your ability to be fair and impartial?

PROSPECTIVE JUROR #033: I would hope it wouldn't. I would still try to be open-minded about them, but just being as honest as I can.

THE COURT: Okay. And you've said – I'm trying to figure out what you're trying to say.

PROSPECTIVE JUROR #033: Right, right.

THE COURT: And so I'm just going to ask you are you a person that can be fair and impartial to the State of Nevada and the defense?

PROSPECTIVE JUROR #033: I think I can be a fair person, yes, but it's going to be difficult to listen to kids give testimony of something like –

THE COURT: Okay.

PROSPECTIVE JUROR #033: -- that nature.

THE COURT: 'Cause that's different. I don't have a problem with a juror that thinks it's going to be difficult to hear the type of testimony you're going to hear.

PROSPECTIVE JUROR #033: Right, right.

THE COURT: Okay.

PROSPECTIVE JUROR #033: Right.

THE COURT: That's difficult.

PROSPECTIVE JUROR #033: Right.

THE COURT: You can still be a juror if you believe the testimony is going to

difficult to hear.

PROSPECTIVE JUROR #033: Right.

THE COURT: What I need to know is, although –

PROSPECTIVE JUROR #033: Will I be fair, yes.

THE COURT: -- remember, she's got to take down everything –

PROSPECTIVE JUROR #033: I'm sorry.

THE COURT: -- that's being said, that's why we try not to talk over each other. So, I agree, it may be difficult; may be difficult for everyone that's on the jury panel. But even if it is going to be difficult, are you a person that will sit through this trial, listen to the difficult testimony, keep an open mind, listen to both sides and be fair and impartial to both sides?

PROSPECTIVE JUROR #033: Yes, I would be. I would –

THE COURT: Okay.

PROSPECTIVE JUROR #033: -- I would be.

THE COURT: Do you understand that's a little bit different –

PROSPECTIVE JUROR #033: Yes.

THE COURT: -- than what you told Ms. Allen?

PROSPECTIVE JUROR #033: I understand now.

THE COURT: Okay. Well – and I'm not trying to talk you into --

PROSPECTIVE JUROR #033: Right.

THE COURT: Remember, there's no right or wrong answer.

PROSPECTIVE JUROR #033: Right.

THE COURT: I'm not trying to talk you into any answer. I just want the truth. I want a panel of jurors that are going to be fair and impartial to the State as well as to this gentleman [indicating]. Do you understand that?

PROSPECTIVE JUROR #033: Yes, Your Honor.

THE COURT: Okay. And so Ms. Allen asked an excellent question, if you or someone you loved was sitting at that defense table, would you be comfortable with someone like you sitting as a juror?

PROSPECTIVE JUROR #033: I would still be a little uncomfortable, because I really love kids. I work with kids all the time. And just the ideas of kids and sexual assault, it's just really – it's just so disturbing.

THE COURT: Okay.

PROSPECTIVE JUROR #033: It just –

THE COURT: And you agree that your family member would be entitled to a juror who was fair and impartial?

PROSPECTIVE JUROR #033: Right.

THE COURT: Okay. So when I ask you that question, you say oh, no, no, I wouldn't want someone like me. See –

PROSPECTIVE JUROR #033: Right.

THE COURT: -- at first you'll tell me I can be fair and impartial –

PROSPECTIVE JUROR #033: Yeah.

THE COURT: -- then when I ask whether that was your family member, you kind of backtrack and you don't want someone like you. So can you kind of reconcile that for me, if you can?

PROSPECTIVE JUROR #033: Right. I want to be fair. I want to be as fair as possible.

THE COURT: Okay.

PROSPECTIVE JUROR #033: I'm just saying I don't know until – if I could be totally fair. If I would let my emotions sway me, you know, and not be – like, pass

the judgment. If that's the best way I can describe it.

THE COURT: Okay. You want to be fair.

PROSPECTIVE JUROR #033: I want to, I have a deep desire to be fair.

THE COURT: Okay.

PROSPECTIVE JUROR #033: Um-huh.

THE COURT: And are you telling me that you might not be able to be fair?

PROSPECTIVE JUROR #033: Exactly.

THE COURT: Okay.

MS. ALLEN: Come up?

THE COURT: Uh-huh.

[Bench conference transcribed as follows:]

MS. ALLEN: Obviously, challenge.

MS. LUZAICH: I just think that she said she might not. It's going to be difficult if everybody feels that way.

THE COURT: I completely agree.

MS. LUZAICH: So I don't think it rises to the level of cause.

THE COURT: Here's the problem, you know, there's that case, it's a recent case where Judge Vega was the Judge and – do you know what I'm talking about?

MS. ALLEN: I think I do.

THE COURT: They just started jury selected and the juror kind of said –

MS. LUZAICH: Waffled?

THE COURT: Waffled. And then when the Judge questioned the juror, oh, no, I can be fair and impartial. And the Supreme Court said, no, you got to let those, you know, when they tell you they can't be fair and impartial, you got to let those people go. So –

MS. LUZAICH: But she didn't say she can't be –

THE COURT: Well –

MS. LUZAICH: -- she said she eh, eh, eh.

THE COURT: -- here's what I always have a problem with, she – for some reason I start ask them, that's why I always say I'm not trying to talk you into saying something. But they will always tell me something different than they tell the attorney. She did that. She told me something –

MR. MAC ARTHUR: Judge, they're telling us that.

THE COURT: And I'm not, I promise I'm not trying to talk her into it.

MS. ALLEN: Yeah, we know.

THE COURT: But for some reason they'll want to tell me they're going to be fair and impartial. Once you ask that question and I've asked it twice, whether you were sitting there or a family member, both times she said I wouldn't want a juror like me.

MS. ALLEN: I just feel like it's err in the side of caution.

THE COURT: So I'll let you take her on voir dire if you want, but it seems pretty clear to me that if she was sitting there, she wouldn't want someone.

MS. LUZAICH: But that's not what the standard is.

THE COURT: I agree. It's whether you can be fair and impartial. And when I ask her, well, if you or someone you loved was sitting there, what – you know, I asked her to reconcile it. Well, because – I think because of the allegations and the fact that kids will be testifying that my emotions will interfere.

MS. LUZAICH: Yeah, but everybody thinks that. I, I just – I don't think it rises to the level of cause.

THE COURT: I don't. I could sit on any case no matter what.

MR. MAC ARTHUR: Yeah.

MS. LUZAICH: Well, I don't have a heart, but –

THE COURT: But we're different.

MS. LUZAICH: Yeah.

THE COURT: We're different. We're kind of trained to just -- we're just weird.

MS. LUZAICH: I know, but –

THE COURT: We're different. We are.

MS. ALLEN: I know.

THE COURT: We don't think like the regular people out there.

MS. ALLEN: No we don't.

THE COURT: I could sit on any case.

MS. LUZAICH: I just – she's never said that she can't be fair. She said it'll be hard. She said she – you know, if she's sitting there she doesn't want herself, but that's not what the standard is.

MS. ALLEN: My thoughts are – I'm sorry.

MS. LUZAICH: That's not, can't be fair.

MS. ALLEN: My concern is that she's like, well, I think I could; but once I hear it I don't know that I can –

THE COURT: Yeah.

MS. ALLEN: -- and that's why I'm concerned. So if the kid gets on the stand and all of a sudden she starts saying, oh, my God and starts crying.

MS. LUZAICH: I know. I still don't think it rises to the level of cause that's what preempts are for –

MS. ALLEN: I know. I understand.

MS. LUZAICH: -- and that's the State's position.

THE COURT: Okay. I can question her again, but do you want to take her on voir dire?

MS. LUZAICH: No, I think the record is fine where it is and, I mean, you're going to do what you're going to do, so.

THE COURT: Okay. So you don't want me to question her anymore?

MS. LUZAICH: [No verbal response].

THE COURT: Okay. 'Cause I think every time I question her she's just trying to please me. And so she's –

MS. LUZAICH: Right. She's trying to please whoever is asking her questions.

THE COURT: Yes, and I hate that.

MS. LUZAICH: I agree.

THE COURT: And so –

MS. LUZAICH: And if I question her, she's going to say the same thing that she said to you, 'cause I'm going to lead her in that direction, so. I mean there's the record and –

MS. ALLEN: It is what it is.

THE COURT: Okay. All right.

MS. LUZAICH: I just think they should exercise a preempt for her.

THE COURT: Okay. I'm going to grant the challenge for cause.

MS. ALLEN: Thank you.

[Bench conference concluded]

THE COURT: All right. At this time, Ms. Randolph, I'm just going to ask that you will step out of your seat.

PROSPECTIVE JUROR #033: Okay.

THE COURT: We appreciate your willingness – I –

PROSPECTIVE JUROR #033: Thank you.

THE COURT: -- really appreciate your willingness to be here and your courtesy in answering all the questions you have answered thus far.

Laura Has – can you pronounce your last name?

PROSPECTIVE JUROR #090: Hojnacke [pronounces name].

THE COURT: Ho –

PROSPECTIVE JUROR #090: Hojnacke [pronounces name].

THE COURT: Hojnacke [pronounces name].

PROSPECTIVE JUROR #090: Yeah.

THE COURT: Okay. Thank you and you're going to become juror number 15. And I just have a few questions for you. First of all, thank you very much for being here for the last two days. I sincerely appreciate your courtesy and willingness to be here.

Can you tell me how long have you lived in Clark County?

PROSPECTIVE JUROR #090: Four years.

THE COURT: Your employment, training, education background?

PROSPECTIVE JUROR #090: High school and cosmetology school. And I'm currently unemployed. I'm a homemaker.

THE COURT: Your marital status?

PROSPECTIVE JUROR #090: Married.

THE COURT: And you have children?

PROSPECTIVE JUROR #090: I have four and they're all minors.

THE COURT: Okay. And your husband is employed?

PROSPECTIVE JUROR #090: He is.

THE COURT: What –

PROSPECTIVE JUROR #090: He does computer programming.

THE COURT: Do you know of any reason why you could not be a completely fair and impartial juror –

PROSPECTIVE JUROR #090: No.

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

PROSPECTIVE JUROR #090: No.

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

PROSPECTIVE JUROR #090: No.

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

PROSPECTIVE JUROR #090: Yes.

THE COURT: Can you tell us about that?

PROSPECTIVE JUROR #090: Well, we've had our cars broken into multiple times and our car was –

THE COURT: When you say multiple, like three, four?

PROSPECTIVE JUROR #090: I think three.

THE COURT: Okay.

PROSPECTIVE JUROR #090: And we had one of our cars stolen and it was recovered. And our home was broken into while we were sleeping.

THE COURT: Oh, I'm sorry. Was that here in Clark County?

PROSPECTIVE JUROR #090: No, those are all in Oregon.

THE COURT: All of those things happened in Oregon?

PROSPECTIVE JUROR #090: Yeah and we've been fine since we've been here.

THE COURT: Okay. Well, good, I'm glad. But when you were in Oregon, how about like the home burglary when you were at home, can you tell me about that?

PROSPECTIVE JUROR #090: We were sleeping and someone came in and stole some things. And we think that my daughter woke up and was crying and that scared them off, so –

THE COURT: So you –

PROSPECTIVE JUROR #090: -- they dropped some of the stuff but they took some of it with them.

THE COURT: So you and your husband never woke up?

PROSPECTIVE JUROR #090: No. Well, I woke up 'cause my daughter was awake, but I didn't – we didn't wake up because of that.

THE COURT: Okay. And how did you know somebody had been in the house?

PROSPECTIVE JUROR #090: There were muddy footprints coming in through the backdoor and a bunch of stuff was missing.

THE COURT: Okay. Did you notice it that night or the next morning?

PROSPECTIVE JUROR #090: The next morning.

THE COURT: Okay. Did you call the police?

PROSPECTIVE JUROR #090: We did and they came out and they looked around. And I reported my credit – like all my cards stolen, 'cause my purses were gone. And my bank messed up and they cancelled the wrong card for my debit card and the guy used it at several stores and so they actually caught him. They had him on videotape

THE COURT: Oh.

PROSPECTIVE JUROR #090: -- at Walmart self-checkout place. And so they caught it. They knew who it was. And then he was apprehended later. And so he went to court and I had to go for a deposition. And I think he ended up pleading guilty so we didn't have to – it didn't go to trial.

THE COURT: Okay. So were you happy with the way it was handled?

PROSPECTIVE JUROR #090: Yeah.

THE COURT: Okay. And now the other matters, did you call the police on those matters?

PROSPECTIVE JUROR #090: We did.

THE COURT: Were you happy with the way those matters were handled?

PROSPECTIVE JUROR #090: One of the times our car was broken into there was a bloody fingerprint in the car and they didn't never show up and I was a little bit disappointed that they didn't come, since there was like some evidence of who it could have been. But I mean I'm sure they were busy and had other things that were more important to do.

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

PROSPECTIVE JUROR #090: No.

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

PROSPECTIVE JUROR #090: Yes.

THE COURT: Can you tell me about that?

PROSPECTIVE JUROR #090: I was molested by a neighbor as a child.

THE COURT: Okay. Are you comfortable speaking amongst us all or would you rather approach the bench?

PROSPECTIVE JUROR #090: I'd rather approach the bench.

THE COURT: Okay. And you can approach the bench with all four lawyers.

[Bench conference transcribed as follows:]

THE COURT: Okay. The record will reflect juror number 90 is present at the bench with all four lawyers.

I apologize. I didn't know what you were going to say. But I just need to kind of question you a little bit more about that.

PROSPECTIVE JUROR #090: Certainly.

THE COURT: Here, you want some tissue.

PROSPECTIVE JUROR #090: Thanks.

THE COURT: You let me know when you're ready.

PROSPECTIVE JUROR #090: I'm ready.

THE COURT: Okay. How old were you?

PROSPECTIVE JUROR #090: I don't remember, probably like eight.

THE COURT: So you were a little girl?

PROSPECTIVE JUROR #090: Yeah.

THE COURT: And it was a neighbor?

PROSPECTIVE JUROR #090: Uh-huh, she was a teenager.

THE COURT: A girl?

PROSPECTIVE JUROR #090: Uh-huh.

THE COURT: Okay. Did you disclose it?

PROSPECTIVE JUROR #090: No.

THE COURT: Never?

PROSPECTIVE JUROR #090: I've never told anyone.

THE COURT: This is your first disclosure today.

PROSPECTIVE JUROR #090: Um –

THE COURT: Okay. What, what made you disclose it for the first time today?

PROSPECTIVE JUROR #090: I'm supposed to be honest.

THE COURT: I agree. And I guess maybe a better question is why didn't you disclose it until today? I mean does your husband know?

PROSPECTIVE JUROR #090: [Shakes head].

THE COURT: No one knows?

PROSPECTIVE JUROR #090: No.

THE COURT: Okay.

PROSPECTIVE JUROR #090: Well, why would I tell people, I mean?

THE COURT: Okay.

PROSPECTIVE JUROR #090: It's not something you want everyone to know. And I guess I felt guilty as a kid.

THE COURT: Why would you feel guilty? That was just an emotion you had as a child?

PROSPECTIVE JUROR #090: Yeah.

THE COURT: Okay. But you never thought you should tell your mom or dad?

PROSPECTIVE JUROR #090: I don't know.

THE COURT: Okay. Is there anything about that that would – you think would affect your ability to be fair and impartial in this case?

PROSPECTIVE JUROR #090: I don't think so.

THE COURT: Okay. Well, and you're the only one who can tell us.

PROSPECTIVE JUROR #090: No, I don't think it would.

THE COURT: Okay. So regardless of what your experience was as a child, you don't believe that's going to interfere in your ability to be fair and impartial if you're selected to be on this panel?

PROSPECTIVE JUROR #090: No.

THE COURT: Okay. Does the State have any follow-up?

MS. LUZAICH: Huh-uh.

THE COURT: Do you have any follow-up?

'Cause I won't allow them to ask you about it once you go back to your seat, so.

MR. MAC ARTHUR: Right, right.

MS. ALLEN: Right, we understand.

MR. MAC ARTHUR: Would you like any follow-up to be done up here, is that what you mean?

THE COURT: Yeah –

MR. MAC ARTHUR: Oh.

THE COURT: -- that's what I'm saying. I won't make her answer –

MR. MAC ARTHUR: Understand.

THE COURT: -- any of these questions once she goes and sits back down. So if there's anything either side wants to follow-up on, I would just ask –

MR. MAC ARTHUR: We do it up here, sure.

THE COURT: -- to protect her privacy and –

MR. MAC ARTHUR: Makes sense. Court's indulgence.

MS. ALLEN: Sorry.

MR. MAC ARTHUR: Yeah.

THE COURT: Yeah. I always hate to have to ask these questions. I'm sorry.

PROSPECTIVE JUROR #090: That's okay.

MS. ALLEN: You, you're very – obviously, very emotional about it. So you can understand why we would be concerned about that, really?

PROSPECTIVE JUROR #090: Um-huh.

MS. ALLEN: Yes or no. I'm sorry, we're still recording.

THE COURT: Yes.

PROSPECTIVE JUROR #090: Yes. Sorry.

MS. ALLEN: Okay. So fine. I mean –

THE COURT: Just a minute.

You know what ladies and gentlemen, just so you know, we are still recording up here and so it's important that I just have everyone just stay quiet. Thank you.

MS. ALLEN: Yeah. Do you think maybe a different kind of case, might be better or were you concerned when you heard the charges?

PROSPECTIVE JUROR #090: Yeah, I mean I don't know why anybody wouldn't be concerned.

MS. ALLEN: Right.

PROSPECTIVE JUROR #090: You know, I mean it's very serious.

MS. ALLEN: Of course. But you come from, obviously, a different perspective.

PROSPECTIVE JUROR #090: Yeah, I guess. I don't know. I don't really –

THE COURT: I think what Ms. Allen is trying to get at, should the defense be concerned with having you as a juror in this case? Should they have any concerns about your ability to be fair and impartial?

PROSPECTIVE JUROR #090: No.