

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

CLEMON HUDSON,

S.C. CASE NO. 82231

Appellant,

Electronically Filed
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Elizabeth A. Brown
Clerk of Supreme Court

vs.

THE STATE OF NEVADA,

Respondent.

APPEAL FROM A JUDGMENT OF CONVICTION PURSUANT
TO LOZADA V. STATE AND DENIAL OF PETITION
FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)
EIGHTH JUDICIAL DISTRICT COURT THE HONORABLE
JUDGE CARLI KIERNY, PRESIDING

~~~~~  
APPELLANT'S APPENDIX TO THE OPENING BRIEF  
VOLUME II  
~~~~~

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IN THE SUPREME COURT OF NEVADA

CLEMON HUDSON,

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Appellant,

vs.

THE STATE OF NEVADA

Respondent.

APPELLANT'S APPENDIX

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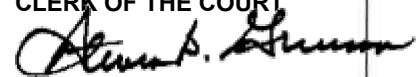
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EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

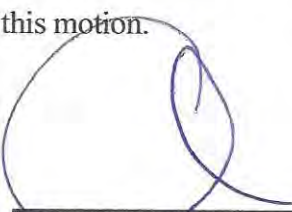
CLEMON HUDSON,

Defendants.

)
) CASE NO.: C-15-309578-2
) DEPT. NO.: XVIII
)
) **MOTION TO SEVER; NOTICE**
)

COMES NOW, CLEMON HUDSON, by and through his attorney, Craig A. Mueller, Esq., of the law firm Mueller Hinds & Associates, hereby move the court to sever the codefendants in this case into two separate cases. This motion is made based on the following points and authorities and any oral arguments made at the time of the hearing of this motion.

DATED this 23rd August, 2017.



CRAIG A. MUELLER, ESQ.
Nevada Bar No: 4703

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YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the above and foregoing **MOTION** will be heard before the above entitled Court on the 7th day of September, 2016, at 9:00 a.m., or as soon thereafter as counsel may be heard.

POINTS AND AUTHORITIES

I. FACTUAL BACKGROUND

According to the police report, on September 4, 2015 Eric Clarkson heard a noise and saw an unknown subject on his patio, got out of bed, got his cell phone and woke up his roommate, Willoughby Grimaldi, and called 9-11. Ultimately, police officers Robertson and Greco-Smith arrived, saw Steven Turner and Clemon Hudson, on the patio. Officers took a position, unlocked the door when Turner fired an AK47 rifle striking Officer Robertson in the leg, and Clemon Hudson allegedly fired one shot from the shotgun into the doorway missing the officers.

Turner fled but was seen limping and jaywalking nearby where a person stop was conducted. The officers interviewed Turner who identified his friend Clemon Hudson, AKA "Mar," as the person who he was with when they planned to go to someone's house to "steal their weed" on Westcliff and Rainbow. After changing his story a couple of times, Turner stated he waited in a car while "Mar" grabbed a SKS rifle and shotgun and jumped in the backyard of the house. Turner thought Mar was taking too long so he jumped over the fence too. Turner claims that "Mar" walked toward the glass patio door, that he saw the door open and "Mar" started to shoot.

II. APPLICABLE LAW

Section 173.135 of the Nevada Revised Statutes provides:

Two or more defendants may be charged in the same indictment or information if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses. Such defendants may be charged in one or more counts together or separately and all of the defendants need not be charged in each count.

Under section 174.165 of the Nevada Revised Statutes:

1. If it appears that a defendant or the State of Nevada is prejudiced by a joinder of offenses or of defendants in an indictment or information, or by such joinder for trial together, the court may order an election or separate trials of counts, grant a severance of defendants or provide whatever other relief justice requires.

1 2. In ruling on a motion by a defendant for severance the court may order the district attorney
2 to deliver to the court for inspection in chambers any statements or confessions made by the
3 defendants which the State intends to introduce in evidence at trial.

4 Of course, the ability to join defendants is not unlimited. The Confrontation Clause in the Sixth
5 Amendment to the United States Constitution provides the right to confront and cross-examine the
6 accuser in a criminal case. See Bruton v. United States, 391 U.S. 123, 135-37 (1968). That right is
7 violated where a non-testifying codefendant makes a confession that incriminates the defendant. See
8 Romero v. State, 2016 Nev. LEXIS 512, 9, 2016 WL 3257826, Nev. SC No. 67731 (filed June 10,
9 2016) citing Bruton v. United States, 391 U.S. 123 (1968).

10 The party seeking severance bears the burden of proof of prejudice and such a case must be
11 severed “if there is a serious risk that [it] would compromise a specific trial right of one of the
12 defendants, or prevent the jury from making a reliable judgment about guilty or innocence.” See Rimer
13 v. State, 351 P.3d 697, 711 (Nev. 2015), citing Marshall v. State, 118 Nev. 642, 647 (2002) (quoting
14 Zafiro v. United States, 506 U.S. 534, 539 (1993)). Another way to state the law was also provided in
15 Rimer: “To require severance, the defendant must demonstrate that a joint trial would manifestly
16 prejudicial. The simultaneous trial of the offenses must render the trial fundamentally unfair, and
17 hence, result in the violation of due process.” See Rimer v. State, 351 P.3d 697, 710-11 (Nev. 2015),
18 citing Honeycutt v. State, 118 Nev. 660 (2002), overruled on other grounds by Carter v. State, 121
19 Nev. 759, 765 (2005).

20 21 **III. ANALYSIS**

22 The case must be severed under Bruton. The State intends to introduce the statements of a non-
23 testifying defendant Steven Turner, the codefendant in this case, against Clemon Hudson by the alias
24 “Mar” that tend to implicate Hudson. Because Hudson will not have the ability to confront and cross-
25 examine Turner, his rights under the Confrontation Clause would be violated by the introduction of
26 these statements. This would render the trial fundamentally unfair and result in a violation of due
27 process. Therefore, the case must be severed.

IV. CONCLUSION

We pray that the defendants in this case be severed into two separate cases.

CRAIG A. MUELLER, ESQ.
Nevada Bar No: 4703

1 CERTIFICATE OF SERVICE

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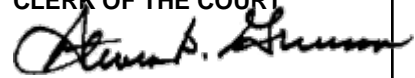
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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CLEMON HUDSON,
#7025101

Defendant.

CASE NO: C-15-309578-2

DEPT NO: XVIII

STATE'S OPPOSITION TO DEFENDANT'S MOTION TO SEVER

DATE OF HEARING: October 12, 2017

TIME OF HEARING: 9:00 am

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through LEAH BEVERLY, Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendant's Motion To Sever.

This opposition is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

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POINTS AND AUTHORITIES

STATEMENT OF THE CASE:

On September 23, 2015, the State of Nevada (“the State”) filed an Indictment charging Defendant Clemon Hudson (“Defendant”) and his Co-Defendant, Steven Turner, with the following: Count 1 – CONSPIRACY TO COMMIT BURGLARY; Count 2 – ATTEMPTED BURGLARY WHILE IN POSSESSION OF A FIREARM OR DEADLY WEAPON; Count 3 through 4 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON; Count 5 – BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM; Count 6 – DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT.

Trial is currently set to begin on November 13, 2017. Defendant filed the instant Motion to Sever on August 28, 2017. The State’s Opposition follows:

STATEMENT OF FACTS

On September 4, 2015, at approximately 3:45AM, the two co-defendants, armed with multiple firearms, startled the victims awake in their home. The residents of the home, Eric Clarkson and Willoughby Grimaldi, were sleeping when they heard suspicious noises in their backyard. They observed two figures, who were later identified as the two defendants, running across the backyard. The police were notified and dispatched and Officers Robertson and Greco-Smith arrived to investigate. Officer Robertson spotted the co-defendants in the backyard and began to open the back door when Defendant Turner fired three rounds from an AK-47 rifle. One of the rounds hit Officer Robertson in the leg and immediately after, Defendant Hudson fired a round at the officers from his shotgun, hitting the doorway next to them. Officer Greco-Smith returned fire at Defendants Hudson and Turner. Defendant Turner dropped his rifle and fled the scene while Hudson hid in the backyard. A canine police dog from the K9 unit had to physically remove Defendant Hudson from where he was hiding because he would not respond to Officers when ordered to surrender.

///

1 Officer Robertson was extracted from the residence and was transported to UMC
2 Trauma to be treated for his shattered right femur. He was taken into surgery where he required
3 a titanium rod and plates to be inserted into his broken femur.

4 In his interview after the shooting altercation, Defendant Hudson admitted to arming
5 himself with the shotgun and a handgun to steal a pound of marijuana from the residence. He
6 intentionally entered the backyard of the home and admitted to firing the shotgun into the
7 house.

8 ARGUMENT

9 Defendant's only claim in the instant Motion is that the co-defendants' cases should be
10 severed because the State intends to use Defendant's Turner's statement to police against
11 Defendant Hudson in violation of the Confrontation Clause. This claim is without merit and
12 should be denied.

13 NRS 173.135 which controls the joinder of two or more defendants in a single action states:

14 Two or more defendants may be charged in the same indictment or
15 information if they are alleged to have participated in the same act or
16 transaction or in the same series of acts or transactions constituting an
17 offense or offenses. Such defendants may be charged in one or more
counts together or separately and all of the defendants need not be
charged in each count.

18 NRS 174.165 provides the guidelines to be followed in the event of a prejudicial joinder:

19 If it appears that a defendant or the State of Nevada is prejudiced by a:
20 1. joinder of offenses or of defendants in an indictment or
21 information, or by such joinder for trial together, the court may order
22 an election or separate trials of counts, grant a severance of defendants
or provide whatever other relief justice requires.
23 In ruling on a motion by a defendant for severance
24 2. the court may order the district attorney to deliver to the court for
inspection in chambers any statements or confessions made by the
defendants which the State intends to introduce in evidence at the trial.

25 The decision to sever defendants is "vested in the sound discretion of the district court
26 and will not be reversed on appeal unless the appellant 'carries the heavy burden' of showing
27 that the trial judge abused his discretion." Chartier v. State, 124 Nev. 760, 764, 191 P.3d 1182,
28

1185 (2008) (citing Buff v. State, 114 Nev. 1237, 1245, 970 P.2d 564, 569 (1998)). Throughout the Nevada Supreme Court's decisions regarding severance it is consistently clear that in order to establish that joinder is prejudicial a defendant must demonstrate more than just that "severance made acquittal more likely; misjoinder requires reversal only if it has a substantial and injurious effect on the verdict." Chartier, 124 Nev. at 765, 191 P.3d at 1185; Marshall v. State, 118 Nev. 642, 647, 56 P.3d 376, 379 (2002); Middleton v. State, 114 Nev. 1089, 1108, 968 P.2d 296, 309 (1998). The determination of risk associated to a joint trial is to be made by the district court, based upon the individual facts of the case. Chartier, 124 Nev. at 765, 191 P.3d at 1185. While this is true, the Nevada Supreme Court has also stated that severance should only be granted "if there is a serious risk that a joint trial would compromise a specific trial right of one of the defendants, or prevent the jury from making a reliable judgment about guilt or innocence." Id. The Court has acknowledged that such prejudice may occur if the Defendants' defenses are antagonistic, the joinder prejudices a defendant's rights to present evidence or the cumulative effect creates a substantial an injurious effect. Id.

The public policy for joint trials is strong, as recognized by the United States Supreme Court in United States v. Brady, 579 F. 2d 1121, 1128, "joint trials of persons charged with committed the same offense expedites the administration of justice, reduces the congestion of trial dockets, conserves judicial time, lessens the burdens upon citizens to sacrifice time and money to serve on juries and avoids the necessity of recalling witnesses who would otherwise be called upon to testify only once." The Nevada Supreme Court has stated, "where persons have been jointly indicted they should be tried jointly, absent compelling reasons to the contrary." Jones v. State, 111 Nev. 848, 853, 899 P.2d 544, 547 (1995). While the decisive factor in any severance analysis is prejudice to the defendant, the court must also consider "the possible prejudice to the State resulting from expensive, duplicative trials." Marshall v. State, 118 Nev. 642, 646, 56 P.3d 376, 379 (2002). "Joinder promotes judicial economy and efficiency as well as consistent verdicts and is preferred as long as it does not compromise a defendant's right to a fair trial." Id. A showing that severance might make acquittal more

likely is not sufficient, rather a defendant must demonstrate a substantial and injurious effect from the joinder. Id.

I. THE DEFENDANT’S ASSERTION OF A VIOLATION OF THE CONFRONTATION CLAUSE IS UNSUPPORTED

Defendant Hudson claims that severance is required to protect his Confrontation Clause rights. Defendant claims that admitting Defendant Turner’s statements against Hudson is a violation of Hudson’s rights.

The Confrontation Clause in the Sixth Amendment of the United States Constitution guarantees the right of a criminal defendant to be confronted with the witnesses against him. The United States Supreme Court in Bruton v. United States, 391 U.S. 123, 88 S.Ct. 1620 (1968) held that since there is a substantial risk that a jury will use facially incriminating confession of a non-testifying defendant as evidence of the guilt of his co-defendant, the admission of the confession in a joint trial violates the confrontation clause. Id 391 U.S. at 126, 88 S.Ct. at 1622. The threshold question is whether the challenged statement is testimonial; if it is not, the Confrontation Clause “has no application.” Whorton v. Bockting, 549 U.S. 406, 420, 127 S.Ct. 1173, 167 L.Ed.2d 1 (2007). “Because it is premised on the Confrontation Clause, the Bruton rule, like the Confrontation Clause itself, does not apply to nontestimonial statements.” U.S. v. Johnson, 581 F.3d 320, 326 (6th Cir.2009). To determine whether a statement is testimonial, the court looks at the “totality of the circumstances surrounding ... the statement,” and the inquiry focuses on whether an objective witness would “reasonably ... believe that the statement would be available for use at a later trial.” Harkins v. State, 122 Nev. 974, 987, 143 P.3d 706, 714 (2006) (quotations omitted).

Subsequent to the Bruton decision, numerous Circuit Courts of Appeal employed the use of redacting references to the defendant and substituting neutral pronouns. For example, the Ninth Circuit Court of Appeals approved the use of a counterfeiter's confession when redacted to include that he and “some others” robbed a savings and loan association. United

1 States v. Sears, 663 F.2d 896, 902 (9th Cir. 1981), cert. denied, 455 U.S. 1027, 102 S.Ct. 1731
2 (1982). See also United States v. Gonzales, 749 F.2d 1329, 1344 (9th Cir. 1984) (substitution
3 of “the other man” for defendant's name to non-violate Bruton).

4 Other Circuits adopted this same procedure. See, United States v. Weinrich, 586 F.2d
5 481 (5th Cir. 1978) (reference to co-defendant excised and replaced with pronoun “someone”);
6 United States v. Stewart, 579 F.2d 356 (5th Cir. 1978) (admission by non-testifying co-
7 defendant that “him and some of his buddies hit a bank” was proper); United States v.
8 Holleman, 575 F.2d 139 (7th Cir. 1978) (non-testifying co-defendant's redacted statement
9 which made it clear that he was assisted by two others in a robbery was proper where the
10 accomplices were not identified by race, age, size, or any means except sex).

11 Later, the High Court clarified its holding in Bruton in the case of Richardson v. Marsh,
12 481 U.S. 200, 107 S.Ct. 1702 (1987). Initially, the Court explained that Bruton is only
13 implicated when the non-testifying co-defendant's statements “expressly implicate” the
14 defendant or are “powerfully incriminating”. Id 481 U.S. at 28, 107 S.Ct. at 1707.
15 Additionally, the Court observed that: “One might say, of course, that a certain way of
16 assuring compliance would be to try defendants separately whenever an incriminating
17 statement of one of them is sought to be used. That is not as facile or as just a remedy as might
18 seem. Joint trials play a vital role in the criminal justice system, counting for almost one third
19 of federal criminal trials in the past five years”

20 It would impair both the efficiency and the fairness of the criminal justice system to
21 require on all cases of joint crimes where incriminating statements exist, that prosecutors bring
22 separate proceedings, presenting the same evidence again and again, requiring victims and
23 witnesses to repeat the inconvenience (and sometimes trauma) of testifying, and randomly
24 favoring the last - tried defendants who have the advantage of knowing the prosecution's case
25 before hand. Joint trials generally serve the interest of justice by avoiding inconsistent verdicts
26 and enabling more accurate assessment of relative culpability - advantages which sometimes
27 operate to the defendant's benefit. Even apart from these tactical considerations, joint trials
28

1 generally serve the interest of justice by avoiding the scandal and equity of inconsistent
2 verdicts. The other way of assuring compliance with an expansive Bruton rule would be to
3 forego use of co-defendant's confessions. That price also is too high, since confessions are
4 more than merely 'desirable'; they are essential to society's compelling interest in finding,
5 convicting, and punishing those who violate the law. (Citations omitted) Id.

6 Consequently, the High Court in Richardson approved of the procedure redacting co-
7 defendants' confessions by stating that: "We hold that the confrontation clause is not violated
8 by the admission of a non-testifying co-defendant's confession with a proper limiting
9 instruction, when, as here, the confession is redacted to eliminate not only the defendant's
10 name, but any reference to her existence. 481 U.S. at 211, 107 S.Ct. at 1709. The Court also
11 "express[ed] no opinion on the admissibility of a confession in which the defendant's name
12 has been replaced with a symbol or neutral pronoun." Id.

13 Thereafter, the Eleventh Circuit in U.S. v. Vasquez, 874 F.2d 1515, 1518 (11th Cir.
14 1989), cert. denied 493 U.S. 1046, 110 S.Ct 845 (1990), held that a co-defendant's confession
15 that was redacted to eliminate references to the defendant's name and substituted the word
16 "individual" did not violate Bruton. Likewise, the Ninth Circuit held that the redaction of a
17 non-testifying co-defendant's statement and inserting the word "individual's" as a substitution
18 for the co-defendant's names did not violate Bruton. Id.

19 An argument common to confessing co-defendants is that the redacted confessions,
20 once considered along with other evidence, clearly identifies them as the unnamed persons
21 referred to in the confessions. This "contextual inculcation" argument has been rejected, as
22 an unwarranted extension of Bruton v. United States, supra. See, United States v. Holleman,
23 supra (no need to further cripple the use of confessions in joint trials); United States v. Daddy,
24 536 F.2d 675 (6th Cir. 1976) (inference that if one defendant is guilty the co-defendants must
25 also have been, is based not on the redacted confession but on the other independent evidence);
26 United States vs. Trudo, 449 F.2d 649 (2nd Cir.), cert. denied, 405 U.S. 926, 92 S.Ct. 1975
27 (1970) (inference of defendant's guilt arose from source independent of co-defendant's
28

1 redacted statement).

2 United States v. Fullette, 430 F.2d 1055 (2nd Cir. 1970) typifies the attitude towards
3 contextual inculcation. There, two defendants, Biggins and Nelson, were tried jointly for bank
4 robbery. Biggins confessed naming “Oliver”, as his accomplice and giving physical
5 description of “Oliver”. The confession stated that he and “Oliver” were at a certain bar just
6 prior to the robbery. Other evidence in trial established a close resemblance between Nelson
7 and “Oliver” and that Nelson and Biggins were often seen together at the bar named in the
8 confession. The court nevertheless felt there was no violation of Bruton because “In short,
9 Biggins’ statements were not clearly inculpatory because they along did not serve to connect
10 Nelson with the crime Biggins’ statements were not the type of powerfully incriminating
11 statements to which the court had reference in Bruton.” Id. at 1058.

12 As noted in United States v. Trudo, supra: “A reading of similar Bruton cases, [citations
13 omitted] reveals that the confessions, even as redacted, mentions some unidentified
14 accomplice. The confession by its terms would lead to speculation by the jury as to whether
15 or not a co-defendant was the other person. In none of these cases was any violation of Bruton
16 found even though the admission itself indicated the presence of an accomplice.” Id.

17 In Lisle v. State, 113 Nev. 679, 688 P.2d 459, 466 (1997), the court addressed the
18 propriety of the trial court’s denial of the defendant’s motion to sever and conducted the
19 following analysis:

20 On December 29, 1995, Lisle filed a motion to sever his trial from that of Lopez. He
21 based this motion on the statement that Lopez made to Melcher, incriminating Lisle;
22 specifically, Lopez told Melcher that he observed Lisle shoot Justin at the rear of the car. On
23 March 21, 1996, the district court filed its order denying Lisle’s motion. However, the court
24 ordered that when Melcher testified as to Lopez’s statement, the statement must be redacted
25 so as to exclude any reference to Lisle. Accordingly, when Melcher testified, he stated that
26 Lopez observed “the other guy” shoot Justin.

27 ///

1 Lisle cites Bruton v. United States, 391 U.S. 123 (1968), for the proposition that Lisle’s
2 constitutional right to cross-examine the witness was violated when Lopez’s hearsay
3 statements, which inculcate Lisle, were admitted. However, Lisle fails to cite Richardson v
4 March, 481 U.S. 200 (1987). Richardson held that if a statement is not incriminating on its
5 face, but only when linked with other evidence introduced later at trial, then a limiting
6 instruction will cure any prejudice. *Id.* at 211. Therefore, a redacted version of the statement
7 may be admitted. *Id.*

8 The United States Court of Appeals for the Ninth Circuit extended this concept to allow
9 defendant’s name to be replaced by a neutral word, such as “individual.” Therefore, although
10 the statement referred to defendant’s existence, the court allowed it to be admitted as long as
11 his name was not used. United States v. Enrique-Estrada, 999 F.2d 1355, 1359 (9th Cir. 1993).

12 Later, in Ducksworth v. State, 114 Nev. 951, 966 P.2d 165 (1998), the Court explained
13 that a defendant can only establish prejudice, when faced with the co-defendant’s redacted
14 statement, when the evidence of guilt is largely circumstantial.

15 More recently, federal courts have approved the use of redacted statements that are not
16 facially incriminatory even though additional evidence is admitted that “links up” the redacted
17 statements to identify that person. “[T]he government may offer other independent evidence
18 that may lead the jury to conclude that the unnamed ‘individual’ is in fact [the defendant], but
19 that does not render the statement inadmissible; the Supreme Court has explicitly stated that
20 this possibility does not render an otherwise properly redacted statement constitutionally
21 inadmissible.” United States v. Reyes, ___ F.Supp.2d ___, 2005 WL 2124102, pg. 4 (E.D.Va.
22 Aug. 29, 2005).

23 In this case, counsel’s entire argument is based on the assumption that the State will
24 use Defendant Turner’s statement to implicate Defendant Hudson. This is not true at all. If the
25 State uses the statements of Defendant Turner, any reference to Defendant Hudson can be
26 redacted or replaced with a neutral pronoun as approved by case law. As such, there is no basis
27 to sever.
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CONCLUSION

The State submits that the Defendant has not demonstrated a basis for severance, and as such asks that the Defendant's motion be Denied.

DATED this 15th day of September, 2017.

Respectfully submitted,

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

BY /s/ Leah C. Beverly
LEAH C. BEVERLY
Chief Deputy District Attorney
Nevada Bar #12556

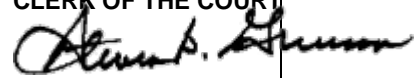
CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of State's Opposition to Defendant's Motion to Sever, was made this 18th day of September, 2017, by Electronic Filing to:

CRAIG MUELLER, ESQ.
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BY: /s/ Stephanie Johnson
Employee of the District Attorney's Office

15F13307A/LB/saj/MVU



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,
9 Plaintiff,

10 vs.

11 STEVEN TURNER,
CLEMON HUDSON,

12 Defendants.

CASE#: C-15-309578-1
C-15-309578-2

DEPT. II

13 BEFORE THE HONORABLE NANCY M. SAITTA SENIOR DISTRICT COURT JUDGE
14 THURSDAY, OCTOBER 12, 2017

15 **RECORDER'S TRANSCRIPT OF PROCEEDINGS**
16 **PRETRIAL CONFERENCE; DEFENDANT'S JOINDER TO CO-**
17 **DEFENDANT CLEMON HUDSON'S MOTION TO SEVER**

18 APPEARANCES:

19 For the State:

MICHAEL DICKERSON, ESQ.
Deputy District Attorney
GIANCARLO PESCI, ESQ.
Chief Deputy District Attorney

21 For Defendant Turner:

22 TEGAN C. MACHNICH, ESQ.
Deputy Public Defender

23 For Defendant Hudson:

24 CRAIG A. MUELLER, ESQ.

25 RECORDED BY: ROBIN PAGE, COURT RECORDER

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Las Vegas, Nevada, Thursday, October 12, 2017

[Case called at 9:47 a.m.]

THE COURT: Let's call page 2. State of Nevada versus Turner, 309578.

MS. MACHNICH: Your Honor, Tegan Machnich.

THE COURT: Good morning.

MS. MACHNICH: Good morning. Tegan Machnich from the Public Defender's Office here on behalf of Mr. Turner. We're actually waiting for someone from Mr. Mueller's office. This is a co-defendant case --

THE COURT: Yes, Hudson.

MS. MACHNICH: -- with page 3. And Co-Defendant's counsel, Mr. Mueller, was the person who actually filed the motion.

THE COURT: You just joined it; right?

MS. MACHNICH: I did just join it. Also the DA who is handling the case today has asked that I text him when we're ready for him. I could certainly do that at this point, but I have not seen Mr. Mueller yet.

MR. DICKERSON: That's correct, Your Honor.

THE COURT: Okay.

MR. DICKERSON: Pesci from my office will be handling this.

THE COURT: We'll trail it until a reasonable period of time. Has somebody called Mr. Mueller's office?

MS. MACHNICH: I don't have that information, Your Honor.

1 THE COURT: Because that's what I'm going to ask you to do.
2 If you would please -- you know, I'm sure that we have a book -- one of
3 the directory books here that we could get, but let's find out what's going
4 on.

5 MS. MACHNICH: Okay.

6 THE COURT: Okay.

7 MS. MACHNICH: And, Your Honor, actually I'm looking at the
8 top in the header of his motion and it does have a contact number.

9 THE COURT: Great.

10 MS. MACHNICH: So I'll make a phone call now and text Mr.
11 Pesci.

12 THE COURT: Thanks so much.

13 MS. MACHNICH: Thank you, Your Honor.

14 THE COURT: Mm-hmm.

15 [Proceedings trailed at 9:48 a.m.]

16 [Proceedings recalled at 10:43 a.m.]

17 THE COURT: Let's go to page 2. State versus Turner,
18 309578.

19 Good morning.

20 MR. PESCI: Good morning, Your Honor, and I apologize for
21 being late.

22 THE COURT: No worries.

23 MS. MACHNICH: Good morning again, Your Honor. Tegan
24 Machnich here on behalf of Steven Turner who is present and in
25 custody.

1 THE COURT: Very --

2 MR. MUELLER: Good morning, Your Honor.

3 THE COURT: Good --

4 MR. MUELLER: Craig Mueller on behalf of Mr. Hudson.

5 THE COURT: Good morning to all.

6 We are here both on State versus Turner as well as the Co-
7 Defendant, who's Hudson.

8 MR. MUELLER: Yes, Judge. And if I have the procedural
9 history right it was my motion to sever that brought us -- initially started
10 the pleadings.

11 THE COURT: I've read the pleadings in this case and the
12 opposition. I have both before me. You may make brief argument to
13 support -- let me also note both Defendants of course are present in
14 custody. You may make brief argument, Mr. Mueller, to support to your
15 motion knowing that I've read everything.

16 MR. MUELLER: Thank you, Judge. And I will be very brief.

17 My colleague cites the *Chartier* case. Both you and I actually
18 participated in the *Chartier* case. I argued it and was trial counsel in
19 front of Judge Bell that led to you and the Court overturning the
20 conviction. This is exactly the same circumstances.

21 In the *Chartier* case I had a defendant who was guilty as -- the
22 evidence against his guilt was overwhelming. I was representing a client
23 for which there was literally almost no evidence. The -- I had one team
24 of prosecutors, had a theory of liability that Mr. *Chartier* had been at the
25 murder scene. I had another series of co- -- I call them co-counsel, but

1 they were actually a second set of prosecutors at the Public Defender's
2 Office who was trying to get Mr. *Chartier* involved. So no matter --

3 THE COURT: Typical co-d situation.

4 MR. MUELLER: I was literally in a legal foxhole. I could not
5 pick up my head, say a word without somebody in the courtroom calling
6 me a liar. And I mean me in the generic sense; Mr. Chartier a liar.

7 THE COURT: Understood.

8 MR. MUELLER: The joinder was improper. There was no
9 way we could have a fair trial. Judge Bell was -- and you guys saw the
10 argument and overturned it. That's the identical case we have here.

11 Mr. Turner is -- has some serious legal issues. I don't want to
12 be a team of prosecutors here. He has some very serious legal issues.
13 Mr. Hudson's liability, if any, is significantly less. Mr. Turner's
14 statements to the police and subsequently presumably be presented on
15 the -- would have to be presented on the stand, are indeed going to be
16 self-serving and going to inculcate [10:45:44] Mr. Hudson. We have
17 limited, if any, ability to confront and cross-examine under those
18 circumstances as under the *Bruton* problem. I've got a colleague -- and
19 I respect my colleague death. She's going to do a great job
20 representing Mr. Turner, but I'm back in the same spot.

21 Mr. Pesci's going to have one theory of liability. The Public
22 Defender is going to have another theory of liability. And the minute I
23 pick up my head, a very experienced trial attorney, no matter what fact I
24 assert is going to be calling me a liar on behalf of Mr. Hudson. The --
25 this is almost a Xerox copy of the case but for the underlying charges.

1 That's the exact same legal [indiscernible] 10:46:29. I discovered that
2 when I sat down and seriously started preparing a defense and I
3 recognized this same problem almost immediately which is why I put this
4 motion on to sever. I believe severance is appropriate here and I cannot
5 -- the parallel between here and *Chartier* is identical.

6 THE COURT: As co -- as a joiner -- joinder to the motion to
7 sever, counsel, do you wish to be heard?

8 MS. MACHNICH: Just very, very briefly, Your Honor.

9 Just noting in response, in the State's opposition motion citing
10 -- let's see. On page 6 they cite *Richardson* where they specifically
11 state that it must be established that the statements in question
12 expressly implicate the Defendant are powerfully incriminating. And we
13 are talking about in the case, among other issues, who pulled the trigger
14 -- trigger that shot the police officer. And I'm guessing that the Co-
15 Defendant and myself we have different points of view on that fact.

16 We're also talking about two co-defendants, so when we look
17 at the statements, which I did submit with my joinder, we're looking at --
18 even if they were to make it generic, the other person, he, it's
19 necessarily the other person whereas our theory of defenses will be
20 different in that manner.

21 So we would request joinder first -- or severance first and
22 foremost. That the cases be tried separately to preserve the rights of
23 the confrontation clause of both Defendants. If Your Honor is not
24 inclined to sever the case as we would like an explicit ruling that
25 pursuant to *Richardson* the non-testifying co-defendant's confession

1 only be allowed with the proper limiting instruction which it would include
2 redactions to eliminate not only a defendant's name but any reference to
3 their existence, which is a cite to the *Richardson* case cited on page 7 of
4 the opposition. It would have to be complete because we have so many
5 instances where both co-defendants -- in my case, Mr. Hudson saying
6 Mr. Turner did this; Mr. Turner shot this; Mr. Turner had the guns, it
7 would literally have to be wiping those out -- off the face of the reality
8 that's at trial, and I don't know how the State would feel about that in
9 relation. And so obviously, first and foremost, severance of the trials
10 would be appropriate. Thank you.

11 THE COURT: Thank you.

12 On behalf of the State, Mr. Pesci.

13 MR. PESCI: Thank you very much, Your Honor.

14 I think the first step, if I could, would be to respond to *Chartier*.
15 I did not try that case so I don't have the intimate facts, but my memory
16 reading the decision was that the Courts spoke of a specific trial right
17 that had to be impeded. That -- it doesn't stand for the proposition that
18 all cases get severed, but if there's a specific trial right. And my
19 recollection was this Court found that in that decision that there was a
20 recording. That there was a piece of evidence that was impeded from
21 admission that was a basis of severing or the fact that it should've been
22 severed. I don't hear that here. What I hear in this case is just fingers
23 being pointed at each other, as opposed to in that case, my memory is
24 it's a recording. It's a actual physical piece of evidence that could've
25 come in, or arguably could've come in, and was prevented because it

1 had been sitting there.

2 This is just a question of whether we have two individuals and
3 if they point the finger at each other. It can be sanitized. It can be
4 cleaned and it can be presented in a fashion. We're not intending, nor
5 wanting to say, I want to introduce A statement where he says B did this.
6 We know we can't do that. And we can go through this and we can
7 clear that all up. It's not the basis to just okay sever the case. And I that
8 the -- my co-counsel who filed this opposition went through the different
9 cases that talk about how you can do that. That's the State's proposition
10 and short of actually severing -- doing that kind of a procedure.

11 THE COURT: So -- yes. I have familiarity with the case that
12 is the subject of -- at least the high point of the argument here this
13 morning. But, Mr. Mueller, would you agree with me that -- or agree, I
14 guess, with the State that the facts in *Chartier* can be distinguished?

15 MR. MUELLER: No, respectfully I don't. And if I could -- and
16 if I could be a little informal here for just a moment, Judge?

17 THE COURT: Sure.

18 MR. MUELLER: I ran into Justice Cherry after the *Chartier*
19 decision was announced. Maybe about ten days after it was. And we
20 actually were with Craig P. Kenny's party and we had a little discussion
21 and I wasn't -- the case was over so I wasn't ex parteing [sic] it. And we
22 went through the case and he says, yeah, we used get -- and it was
23 Justice Cherry's comment, I remember it very clearly, he said, yeah,
24 used to get con -- severances just for the asking because of the conflict
25 between co-defendants. And I remember that phrase because it struck

1 me. And I can't remember people's names, but for whatever reason my
2 brain collects ideas like a sponge. I remember where I hear ideas. And
3 I remember standing right there at the front of the door and he says,
4 yeah, we used to be able to get severances for the asking. Now that
5 was the exact phrase he used.

6 Now the practical problem with the *Chartier* case was there
7 was conflicting theories of liabilities so that nobody could present -- I
8 could not present in evidence where somebody wasn't going to be
9 attacking it in a legal crossfire.

10 THE COURT: And the evidence that you sought to have
11 admitted was?

12 MR. MUELLER: Well, there was a pract -- there was practical
13 problems. Our *Chartier* had a co-defendant -- was PTSD. He had an
14 extraordinarily complicated his. He had a history --

15 THE COURT: I remember the case very well.

16 MR. MUELLER: It's -- yeah, I guess it's going to be one of my
17 career cases. I remember it too for whatever reason. The guy was the
18 last guy out of the barracks in Vietnam that was pulled out -- or in
19 Lebanon. The barracks went down on him. He was in -- in rubble for
20 three or four days. They pulled him out. He was the last guy. He was
21 never the same since. He had the classic signs of PS -- PTSD which
22 was a tendency to violence and inability to control his impulses. *Chartier*
23 had said to him, he says, oh, my ex-wife is just driving me nuts in the
24 family court case, the one you were just talking about, and the next day
25 the wife and the father-in-law are dead.

1 Now the practical problem here was the State's theory was
2 that Chartier had been over there with the knifeman putting him put.
3 Chartier's defense, which I would've mounted [10:52:42] and he swore
4 to me -- I can't -- I can't go into confidences, but was, hey, the guy's
5 nuts. I didn't know he was going to go over and do that. I couldn't put
6 Chartier on the stand. I couldn't mount any meaningful [10:52:55]
7 defense because the State -- the Public Defender and their murder team
8 was trying to save -- what's the guy's -- the co-defendant's name. I
9 could see his face. I'm sorry, I don't recall his name. The co-
10 defendant's -- they were trying to save him the death penalty. I was
11 trying to get Mr. Chartier cleared of the liability. And that's the practical
12 problem here.

13 Now Mr. -- I don't want to prejudge the evidence. I read what
14 the police think happened. I want to point out very serious there was a
15 third individual out there that night and he was never accounted for. The
16 police --

17 THE COURT: Third or fourth from what I read. There may
18 have been others; yeah.

19 MR. MUELLER: Yes. And the -- the allegations are -- I mean
20 there's -- Mr. Turner made a remarkable series of statements to the
21 police that led to eventually Mr. Hudson being charged. I'm not going to
22 be able to confront or cross-examine that. I can't put Mr. Hudson on the
23 stand now. I've got -- my ability to give him a fair trial is materially
24 limited just like it was in *Chartier* because I'm going to have these folks,
25 and they're good lawyers, are going to be doing their level best to blame

1 everything on my client. They've got another theory of liability. And I
2 don't know -- I'm going to have to literally defend two different theories at
3 the same time and it's impossible. It will be legally impossible. I can't
4 do it in where -- a trial with these defendants joined defeats Mr.
5 Hudson's ability to have a fair trial, a guarantee under the State
6 Constitution and under the Federal Constitution, his right to confront and
7 cross-examine the witnesses and a right to a fair trial.

8 And you're an experienced trial court judge. You understand
9 what's going to happen trying to mount a defense. Say for example, just
10 hypothetically, Hudson's completely innocent. He was at home
11 watching TV and worked the defense up [10:54:41]. Now how do I get --
12 how do I confront and cross-examine Turner. Well, I can't. Well, how
13 about the other guy that was there? Well, I can't.

14 THE COURT: The other mystery guy.

15 MR. MUELLER: The mystery guy. Now -- I mean, just -- if
16 that were in fact the case, how do I mount the defense and I'm in a legal
17 crossfire again. And I'm sorry. That's probably a bad word these days,
18 but I've got two teams of lawyers going to be gunning for me at either
19 side and there's no way that that can go forward. I respectfully -- I don't
20 see any functional difference between this case and the *Chartier* case.

21 My colleague alludes and -- and I thank him. He did tickle my
22 memory. There was -- there was in fact a tape of some sort of the wife
23 -- Chartier's -- no, the co-defendant's wife was jealous of Chartier. It
24 sounded like they had a little -- and she had taped one conversation at
25 the end of the case. I don't remember it being very particularly important

1 to the outcome of the case. My point was the same as -- we got the
2 same legal crossfire. And if he really was home watching TV that night,
3 how can I mount that defense? And just as a hypothetical, with one set
4 of lawyers gunning for me one theory, and another set of lawyers
5 gunning me on another theory, because any evidence I put off
6 [10:56;05] I've got somebody who's going to be standing in the jury
7 saying -- and if he was in -- the evidence -- or questioning the evidence.

8 Now, it's a difficult case. It's going to be an emotional case.
9 It's going to be a very serious case. Charges couldn't be a lot more
10 serious. I guess they could be, but not by much. And I believe that his
11 right to a fair trial is guaranteed by State Constitution needs -- this case
12 needs to be severed.

13 MR. PESCI: Judge, if I could, could I speak --

14 THE COURT: Of course.

15 MR. PESCI: -- to that? Thank you very much, Your Honor.

16 Wilcox was the co-defendant.

17 MR. MUELLER: Wilcox. Thank you.

18 MR. PESCI: The eavesdropping recording was between
19 Wilcox and Chartier. And that's a distinction that has meaning because
20 it's me and co-counsel speaking to each other, or some sort of
21 recording, and then someone's seeking to introduce it, as opposed to
22 defendants speaking to police officers giving a statement and saying A
23 did this, B did that. There's a huge distinction there.

24 And it's somewhat baffling that he said it wasn't that critical to
25 the case because that was one of the big basis for the reversal was that

1 that recording was prevented from coming in. And that changes the
2 footing upon which to make this decision in my opinion because their
3 statements to the police are different from a recorded statement
4 between two people. And I think that we can sanitize it. But obviously
5 this is your discretion and we defer to yours.

6 MR. MUELLER: Well -- I'm sorry.

7 THE COURT: Final comment.

8 MR. MUELLER: Well, one of the -- I -- actually reason **by**
9 **analogy [10:57:26 ?????]** There were comments -- and I'm sorry I have
10 to bring this up in open court, that Mr. Turner that Mr. Turner had been
11 having homosexual affair with the members of the house. There are in
12 fact conversations between these parties that are almost identical in
13 nature in the context between the -- the full conversation. I -- I
14 appreciate my colleagues efforts to try to distinguish this case, but I can
15 find no functional distinction between this and *Chartier*.

16 THE COURT: Let me start by saying that all of what we're
17 talking about arises from the case of *Bruton*. These are questions that
18 came before the Court with respect a violation of the confrontation
19 clause of the Sixth Amendment. As stated in that case -- or subsequent
20 cases thereto, the threshold question is whether the challenged
21 statement is testimonial. I don't think that we have to worry much about
22 that right here. It's relatively testimonial.

23 But here's what happened after *Bruton*. A number of circuits
24 have talked about redaction. Mr. Pesci referred to it as sanitizing. It has
25 been done in many circuits, including by the way the Ninth -- the Ninth

1 Circuit adopted the sanitizing process, which frankly just means that the
2 statement that Mr. Mueller is concerned about that implicates or
3 suggests an implication towards his Defendant -- his client, could be
4 redacted, a big term that we use here. It just means that we're going to
5 white out reference to names and we're going to use generic pronouns.

6 We also have to look at what *Bruton* and other cases talked
7 about with respect to fundamental fairness. That's what Mr. Mueller and
8 the co-d is talking about; whether or not allowing this case to go to trial
9 with two co-defendants will affect the fairness, the bedrock, if you will,
10 upon which our court system is resting. And that is everyone when they
11 go to court should have an opportunity to have a fundamentally fair trial
12 where nobody, either side, doesn't get to do anything that impedes the
13 fundamental fairness.

14 There's another side that we have to consider also. And that
15 is that joint trials, as they are charged here, generally serve to support, if
16 you will, the interest of justice because it avoids inconsistent results. It
17 certainly speaks to the reason that co-ds are tried together has to do
18 with the limited resources and the ability of the State to try the cases
19 together.

20 I got to tell you. This is a really difficult case for me to make a
21 decision on. I would note that I believe *Chartier* is distinguishable in this
22 instance. And I'm concerned that when we have the typical co-ds doing
23 the finger pointing at the other ones, although not having any authority,
24 with all due respect, Justice Cherry's out-of-court statements --

25 MR. MUELLER: And I'm sorry, Judge. I --

1 THE COURT: It's okay. Of course don't support a legal
2 conclusion here in any way. God bless him. But the fact of the matter
3 is that -- first and foremost, the State has actually acknowledged in their
4 opposition that they would have no problem cleaning up these
5 statements.

6 Is that a correct --

7 MR. PESCI: Yes, Your Honor.

8 THE COURT: And to what extent do you intend to use the
9 non-testifying Defendant's statements?

10 MR. PESCI: I got to be honest. I've inherited this from Frank
11 Coumou. Ms. Beverly, who did the opposition, has been on this from
12 the beginning, so I cannot intelligently respond to that question, but I'm
13 sure she could. But we would -- we could also say defense counsel give
14 us your proposed redactions and then we could sit down and go through
15 it and say we agree on this or we don't.

16 THE COURT: He's not going to -- Mr. Mueller's not going to
17 want any proposed redactions. He wants the whole thing --

18 MR. PESCI: Understood.

19 THE COURT: -- set aside.

20 MR. PESCI: I just assumed for the sake of argument you
21 were to rule, hey, we're going to do it. And, you know, if you want
22 something out tell the State and then we can try to either agree or bring
23 it to the Court and say here's the ones we agree on, here's the ones we
24 don't, please make a call.

25 THE COURT: So, Mr. Mueller, let me ask you this. In terms

1 of -- and I don't want -- I don't want to get into either sides trial strategy,
2 so I'm trying to be careful. And if I'm evading that very sacred **prevenge**
3 **11:02:07 [????]** please just tell me.

4 If these Defendants were tried separately, the same
5 statements would be used obviously, I presume; right?

6 MR. MUELLER: Yes. Yes, Judge.

7 THE COURT: Okay. So you also have -- and the reason that
8 I sort of emphasized -- or added emphasis to the -- the mystery other
9 person -- because when I read these reports it sounds to me like there --
10 could've been others around -- more than just one -- other people. And I
11 think that the statements also support that. Both statements talk about
12 others being involved.

13 If this case went to trial with co-defendants in the same room
14 at the same time, would you in any way be precluded from using the
15 mystery person, other people did it -- other guy did it defense?

16 MR. MUELLER: Well, absolutely I would be.

17 THE COURT: Why?

18 MR. MUELLER: The practical problem with this case, and the
19 reason it's like the *Chartier* case, is Mr. Turner is accused of shooting a
20 police officer with a AK-47. He's going to do anything he can and --
21 legally charged to try to diminish or void that liability. The logical thing to
22 do is try to blame someone else. The only other person that's going to
23 be in the room is going to be me client.

24 THE COURT: Okay. But didn't your client come over the
25 fence after?

1 MR. MUELLER: I -- respectfully, that's not my due diligence.
2 It disagrees with -- and now you're pulling me out from where I'm
3 comfortable going.

4 THE COURT: Okay.

5 MR. MUELLER: My investigation materially differs from what
6 the police officer's conclusions were. And I --

7 THE COURT: And you'd be able to cross-examine the police
8 officer on that, couldn't you?

9 MR. MUELLER: Yes, I could.

10 THE COURT: Okay.

11 MR. MUELLER: I would be able to cross-examine. But the
12 practical problem is the statements by the homeowners is unambiguous
13 that there was a third person and perhaps a fourth. Now who was
14 where and when is going to be the heart of this case at trial. Now, Mr. --

15 THE COURT: Why would you be precluded from presenting
16 that evidence if -- if the case went to -- as co-ds?

17 MR. MUELLER: I would. And that's what I tried to allude to
18 this earlier with my television hypothetical. If he's home watching TV,
19 they're going to try to put a gun in his hand so Turner doesn't get the --
20 get the -- go down for shooting the sentence -- or for shooting the officer.

21 THE COURT: Officer.

22 MR. MUELLER: What -- hypothetically, if my guy was the one
23 up front who just ran away panicked and then -- and then stayed at the
24 scene. What if the facts are he wasn't there at all?

25 THE COURT: And --

1 MR. MUELLER: How am I going to get that defense on?

2 THE COURT: Well, my question was sort of the opposite of
3 that. What precludes you from putting in evidence of different place,
4 different time, not hand -- no hands on the weapon, wasn't the shooter.
5 By -- if in fact sanitized statements were to be used at trial, what would
6 preclude you from nonetheless using that defense?

7 MR. MUELLER: You got me walking a fine line here, Judge.

8 THE COURT: Understood. Understood.

9 MR. MUELLER: I'm -- I'm trying very hard to answer your
10 question without tipping my cards through my due diligence in what I
11 found out so far through my investigator.

12 THE COURT: And I'm respectful of that.

13 MR. MUELLER: And I could get **[indiscernible] to consider**
14 **11:05:24?**

15 THE COURT: Of course. Here's the thing. This is a typical
16 co-d case. I mean, this is -- it's not unusual that this is what happens.
17 And I'll tell you. We got a whole bunch of state -- these are only tabs on
18 the statements that were made. So there's -- there's -- there was a lot of
19 talking that went on in this case. And as one might expect, there was a
20 lot of it was the other guy kind of stuff. But I have to do a balancing test
21 here basically. I have to determine whether or not -- and this is *Bruton* --
22 whether or not there's a substantial risk that the jury will use factually
23 incriminating confession of a non-testifying defendant as evidence of
24 guilty of his co-d. That's the essence. That's the capsulized version of
25 why a motion to sever is put before the Court. Fundamental unfairness

1 at the time of trial also a consideration.

2 For now, what I'm going to do, is to note for the record the
3 State's cooperation with respect to acknowledging the obvious in this
4 case. They can't just take this statement and put it before the jury. I'm
5 going to deny the motion to sever with a caveat. And that is exactly
6 what Mr. Pesci suggested. That is he will offer to both counsel an
7 opportunity to see the redacted version of the statements that they
8 intend to use. This is going to require the State to put their case out
9 there pretty much by saying this is what we're going to use and this is
10 how we're going to use it.

11 But I want to be very that the -- the denial is made, I think
12 appropriately so, without prejudice. Mean, Mr. Mueller, that if you see
13 what they propose and you still want to come back and say, Judge, I
14 can't adequately defend my client if they go together to trial, then I think
15 that you get another bite of the apple because I'm telling you I think this
16 is really close and really tight. And I am very mindful of *Chartier*, but I
17 think right now we have a well-established, accepted way to attempt to
18 alleviate the bias or the potential for fundamental unfairness.

19 So I want to be very clear. This is a tight denial with the -- a
20 clear statement in the record that the parties, most particularly Mr.
21 Mueller and the co-d, being given an opportunity to revisit this issue, if in
22 fact we get closer to trial and it looks like the redaction isn't going to
23 work. Because I -- and I do apologize for trying to pull out of you stuff,
24 Mr. Mueller, that obviously, as you said, tight -- I don't want to get you in
25 a place where you're revealing your defense strategy. But there may

1 come a time where you can reveal that in an appropriate way that would
2 lead the judge to make a different decision on a renewed motion. So I
3 want to be -- I hope that I covered all the legal issues in this case.

4 I want an order to be drafted that supports this decision
5 because I think it's important that we note the opportunity to come back
6 again. I very much want to protect -- I wrote that case. I get it. And so
7 this is a real schizophrenic decision for me to make, but I want to be
8 sure that the rights of the Defendants, plural, are protected, and the
9 ability of the State to proceed in their case in an appropriate manner are
10 also protected. So questions, comments, concerns?

11 MS. MACHNICH: Your Honor, might we have a date certain
12 where the State provides us with these redactions. Because what we
13 don't want to do is get close enough to calendar call next month where
14 we --

15 THE COURT: Yeah, you're right up --

16 MS. MACHNICH: -- haven't seen them.

17 THE COURT: -- on top of it aren't you.

18 MS. MACHNICH: Yeah.

19 MR. MUELLER: Yes.

20 THE COURT: Yeah. I'm going to give you a real short leash.
21 I want it provided to the co-defendants no later than Tuesday next week.
22 We got -- we got to get there. You got a jury trial coming up in a month

23 MR. PESCI: Is that the 17th?

24 THE COURT: I don't know. Yes. Six --

25 THE COURT CLERK: Yes.

1 MR. PESCI: Okay.

2 THE COURT: Yes, 17th.

3 MR. PESCI: Thank you, Your Honor.

4 THE COURT: 10-17.

5 MS. MACHNICH: That should allow us enough time to file

6 renewed motions --

7 THE COURT: Mm-hmm. Mm-hmm.

8 MS. MACHNICH: -- if necessary. Okay.

9 MR. PESCI: So the 17th is when we need to give to defense

10 counsel the proposed redactions?

11 THE COURT: Proposed redaction.

12 MR. PESCI: Yes, Your Honor.

13 THE COURT: And then -- you know, just to be fair, counsel

14 take your time looking at the redaction. Get it back to the State by the

15 end of the week. That would be Friday. Which must be -- 18, 19, 20.

16 THE COURT CLERK: The 20th.

17 THE COURT: Twentieth. Because if we have to revisit this

18 I'm not exactly sure how it's going to work. If they'll bring me back to

19 reconsider it, or if Judge Bailus will reconsider it, or the trial judge, or

20 what they'll do, but I want to be sure that we get that compacted so --

21 because you got a rapidly approaching trial date.

22 Do you know where you are in the stack by any chance?

23 MR. MUELLER: I -- the case has gotten a little older. We've

24 moved --

25 THE COURT: It's a 15 state.

1 MR. MUELLER: -- pretty close to the top.

2 THE COURT: You should be pretty -- okay, so you should be
3 pretty close to the top.

4 MR. PESCI: No idea.

5 MR. MUELLER: And a housekeeping matter, Justice. Are
6 you going to be -- I know Mark said he had to go up to Judicial College.
7 I remember that being six or eight weeks. Is he going to --

8 THE COURT: Well, he's -- it's actually I think three.

9 MR. MUELLER: Okay.

10 THE COURT: He is not -- I will not be -- let me put it this way.
11 A Senior Judge will be here not week; it will not be me. But if there's
12 any problems -- I'll make a note in the record. I've done this before. I
13 should -- I give both -- all parties permission to contact the Senior Judge
14 department for further consideration on these matters if need be.

15 MR. MUELLER: Okay.

16 THE COURT: Okay.

17 MS. MACHNICH: Okay.

18 THE COURT: And that's Ileen Spoor across the street. I
19 don't anticipate there'll be a problem, but just in case. That way we --
20 you keep it clean and you don't have to bring somebody else up to
21 speed.

22 MR. PESCI: Sure.

23 MR. MUELLER: All right. Thank you, Judge.

24 MS. MACHNICH: Your Honor, additionally -- one more
25 housekeeping matter. I had subpoenaed all of the forensic background

1 information on the case. All of the lab reports. More than just the final
2 reports, but all of their working documents. The lab sent me a letter
3 saying, Congratulations. We produced them to the State; they have to
4 give them to you. And that was over a week ago now. I haven't
5 received them. And I'm just concerned, as time goes on, if I don't
6 receive the documents, if we need to do something with them I won't be
7 able to.

8 THE COURT: So there's an oral motion to compel discovery
9 from the State?

10 MR. PESCI: We've gotten them.

11 MS. MACHNICH: Okay.

12 MR. PESCI: And I gave them to my secretary and asked to
13 have them provided to defense counsel, so it appears as if they didn't.

14 Mr. Mueller, did you get them?

15 MR. MUELLER: No, I did not.

16 MR. PESCI: Okay.

17 MR. MUELLER: And while we're on the subject. The
18 photographs from the scene, I would also like a disc from those if that's -
19 - it shouldn't be a big deal --

20 MR. PESCI: The --

21 MR. MUELLER: -- but I don't have them.

22 MR. PESCI: -- the Metro lab will respond to your request for
23 those. It's not something that you have to get from us. They do
24 routinely.

25 THE COURT: But -- but let's be clear. With respect to what

1 you have in your file, Mr. Pesci, currently, that can be provided to
2 counsel?

3 MR. PESCI: This is my best response, because like I said,
4 I'm coming into this late.

5 THE COURT: Understood. Understood.

6 MR. PESCI: But we received from the lab a disc, which
7 normally happens. When defense counsel asks for that --

8 THE COURT: Right.

9 MR. PESCI: -- underlying data they send --

10 THE COURT: It goes to you.

11 MR. PESCI: -- it to us. And they actually have a little sheet
12 that says have defense counsel sign saying that they got it. So I asked
13 my secretary, please make copies of this. Get in touch with defense
14 counsel; ask them to come pick it up. So I don't know where the ball's
15 dropped since there. I'll go find out.

16 THE COURT: Okay. So your request to compel that
17 production is granted.

18 MS. MACHNICH: Thank you.

19 THE COURT: The State has agreed to do so.

20 MR. PESCI: Yes.

21 THE COURT: Mr. Mueller, your request is for a photograph?

22 MR. MUELLER: For the disc of photographs. Normally Metro
23 these days just takes a thousand photographs and put them on a disc.
24 And we don't print them out any more like we used to and put --

25 THE COURT: Did you make a request to -- is it part of a

1 discovery motion early or no?

2 MR. MUELLER: No, no, Judge. I just wanted -- while he was
3 going through his file I said while -- basically while he's there can he get
4 me the disc -- the photographs.

5 THE COURT: Mr. Pesci.

6 MR. PESCI: We'll make a copy. I understand co-defense has
7 it already.

8 MS. MACHNICH: We have --

9 MR. PESCI: But -- so we'll make -- we'll make another copy.

10 MS. MACHNICH: I have --

11 THE COURT: Okay. Let's be sure that that gets exchanged.
12 In fact, if the co-d has it, let's get it to Mr. Mueller. So I'm going to make
13 both of you responsible, co-d and the State --

14 MS. MACHNICH: Okay.

15 THE COURT: -- to get that to Mr. Mueller.

16 MS. MACHNICH: Well, we requested it from Ms. Beverly, the
17 assigned attorney on the case, about a month ago and she got it right
18 over to us.

19 THE COURT: Great.

20 MS. MACHNICH: So it was a very timely manner --

21 THE COURT: Okay.

22 MS. MACHNICH: -- with respect to the photographs. We did
23 file a discovery motion years ago at this point that was ruled upon way
24 back then.

25 THE COURT: The standard motion to compel?

1 MS. MACHNICH: Yes.

2 THE COURT: Okay.

3 MS. MACHNICH: The standard as of 2015. Not the --

4 THE COURT: They've changed.

5 MS. MACHNICH: -- new standard.

6 THE COURT: They've changed.

7 MS. MACHNICH: As of today our office has changed. Yes.

8 But, yeah, that been --

9 THE COURT: Okay. Anything further that I can help with?

10 MR. PESCI: No. Thank you very much, You Honor.

11 THE COURT: Okay. Thank you.

12 MS. MACHNICH: Oh. Actually, one more thing. We had on

13 calendar today pretrial conference.

14 THE COURT: Oh.

15 MS. MACHNICH: I was informed by some of my teammates

16 from my old team because I'm not on this track anymore that Judge

17 Bailus liked to do sort of an informal where you at, and this is what I'd

18 like by calendar. And I heard he even requests our jury instructions by

19 calendar call. I don't know if that's actually the case, but I just wanted to

20 clarify there weren't any other marking orders for us at this time with

21 regard to preparations for trial.

22 THE COURT: Well, you can see that my hesitancy, or my

23 concern with respect to denying the motion and tightening things up, is

24 exactly what you're talking about. We are on the eve of trial as far as

25 I'm concerned. It is a pretrial conference today. I'm guessing that if I

1 asked Mr. Mueller at this point --

2 State, can you announce close to ready? That doesn't --

3 MR. PESCI: I anticipate. I have no idea, Your Honor.

4 THE COURT: Okay.

5 MR. PESCI: It's been subpoenaed, but I don't know the
6 returns because Ms. Beverly's been getting those. I've been --

7 THE COURT: Okay.

8 MR. PESCI: -- other trials.

9 THE COURT: And, Mr. Mueller, I suspect that my decision
10 today is -- is going to cause you to do a little bit more work; would that
11 be a fair statement?

12 MR. MUELLER: I suspect I'm going to have to go back and
13 re-read everything.

14 THE COURT: Okay.

15 MR. MUELLER: And I was -- was planning on doing it after I
16 get their proposed redactions.

17 MS. MACHNICH: Okay.

18 THE COURT: So other than that -- other than what happened
19 today and the need to get Mr. Pesci up to speed, and apparently
20 someone else from the PD's office up to speed, informally, are we on
21 track to proceed to a calendar call on the 7th. And if so, I would order
22 that proposed jury instructions be provided by that date, which is
23 October -- November 7th. I don't know if that's the Judge's practice or
24 not. It certainly was my practice when I sat. So let's get -- I mean, they
25 can be modified, you know, up to -- you know, before we send it to the

1 jury. But for now, let's get those sent over and have them ready for
2 calendar call.

3 MS. MACHNICH: And --

4 MR. PESCI: For all sides?

5 THE COURT: All sides.

6 MR. PESCI: Thank you very much.

7 MS. MACHNICH: For defense theory instructions may those
8 be submitted just to chambers?

9 THE COURT: Of course.

10 MS. MACHNICH: Thank you.

11 THE COURT: So -- and -- so that you know, November 7th is
12 your calendar call with a trial date of November 13th; okay?

13 Anything further?

14 MS. MACHNICH: No, Your Honor. Thank you.

15 MR. PESCI: No. Thank you.

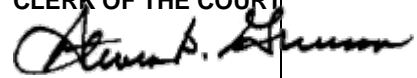
16 THE COURT: Thank you.

17 [Proceedings concluded at 11:15 a.m.]

18 * * * * *

19
20
21 ATTEST: I do hereby certify that I have truly and correctly transcribed
22 the audio/video proceedings in the above-entitled case to the best of my
23 ability.

24 
25 SANDRA PRUCHNIC
Court Recorder/Transcriber



1 RTRAN

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3
4
5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,
9 Plaintiff,

10 vs.

11 STEVEN TURNER,
12 CLEMON HUDSON,

Defendants.

CASE#: C-15-309578-1
C-15-309578-2

DEPT. XVIII

13 BEFORE THE HONORABLE MARK B. BAILUS DISTRICT COURT JUDGE

14 TUESDAY, OCTOBER 31, 2017

15 **RECORDER'S TRANSCRIPT OF PROCEEDINGS**
16 **STATE'S REQUEST: STATUS CHECK TO ADDRESS BRUTON**
17 **ISSUES WITH THE DEFENDANT'S STATEMENTS**

18 APPEARANCES:

19 For the State:

LEAH C. BEVERLY, ESQ.
Chief Deputy District Attorney

20 For Defendant Turner:

21 TEGAN C. MACHNICH, ESQ.
Deputy Public Defender

22 For Defendant Hudson:

CRAIG A. MUELLER, ESQ.

23
24
25 RECORDED BY: ROBIN PAGE, COURT RECORDER

1 Las Vegas, Nevada, Tuesday, October 31, 2017

2
3 [Case called at 9: a.m.]

4 THE COURT: On page 2, State versus Turner.

5 MS. BEVERLY: Your Honor, it's Turner and Hudson. They're
6 co-defendants.

7 THE COURT: And page 3. Hudson, case number C309578.
8 Counsel, state your appearances.

9 MS. BEVERLY: Leah Beverly for the State.

10 MS. MACHNICH: Good morning, Your Honor, Tegan
11 Machnich for Mr. Turner.

12 MR. MUELLER: Craig Mueller on behalf of Clemon Hudson.

13 MS. BEVERLY: Your Honor, --

14 THE COURT: And this is on at the State's request for a status
15 check to address the *Bruton* issues with the Defendant's statements.

16 MS. BEVERLY: Yes. Okay. So what happened was when
17 Your Honor wasn't here a couple of weeks ago, Ms. Machnich and Mr.
18 Mueller had filed a motion to sever. That motion was heard. It was
19 denied. But Judge Saitta, who was sitting for Your Honor, said for the
20 State to email both defense counsels with the State's proposed
21 redactions. Then defense counsel to email the State with their proposed
22 redactions to the statements, and if there was a dispute for us to come
23 before Your Honor.

24 I think it's probably something where we're going to have to
25 like -- the four of us sit down together, because I don't think it's

1 something that can be resolved like in a regular court calendar.
2 Because the state -- there's five statements from Mr. Turner, and there's
3 two statements from Mr. Hudson. So -- and there is some
4 disagreement. I received Ms. Machnich's redaction. I didn't receive Mr.
5 Mueller's. But I did send both them the State's proposed redactions.

6 So if this case were to go forward, it's something that I think
7 we're probably going to have to sit down in chambers, go through,
8 because it's probably going to take a couple of hours for Your Honor to
9 resolve the disputes. However, that's one issue.

10 The second issue is Mr. Mueller, this morning, was asking me
11 -- or speaking to his client, I believe, about negotiation. Ms. Machnich's
12 client, Mr. Turner, has always wanted the negotiation. It's been Mr.
13 Hudson's been the holdup. So I don't know what their conversations
14 had been, but I'm certain that I do have the GPAs and Amended
15 Information -- Indictments here right now if they want to enter their plea.

16 Third --

17 THE COURT: We're not going to rush this, counsel.

18 MS. BEVERLY: No, absolutely.

19 THE COURT: If they want to enter a plea I want to make sure
20 they have sufficient time to discuss any plea negotiations with their
21 attorneys.

22 MS. BEVERLY: Absolutely. I understand that. It's been the
23 same offer for over six months now. And --

24 THE COURT: And again, if --

25 MS. BEVERLY: I --

1 THE COURT: -- you know, I want to make sure that they
2 have sufficient time.

3 On the issue of the redactions, this is how we're going to
4 handle this. Submit your redactions. You -- you've advised me that they
5 have submitted to opposing counsel; correct? You were supposed to
6 submit them by October 17th.

7 MS. BEVERLY: I --

8 THE COURT: It sounds like you did it --

9 MS. BEVERLY: I did.

10 THE COURT: -- by that time. They were supposed to submit
11 their redacted version to you by -- I'm sorry, I said December. October
12 17th -- by October 20th. So it sounds like to some degree you've
13 exchanged redactions. If --

14 MS. BEVERLY: Well, I have with Ms. Machnich, not with Mr.
15 Mueller.

16 THE COURT: Okay. Well, Mr. Mueller may not have any
17 changes. He may just argue that he's not going to agree to any
18 redactions.

19 MS. BEVERLY: Okay.

20 THE COURT: I mean, that's a position he certainly could
21 take.

22 MS. BEVERLY: Okay.

23 THE COURT: If he -- in any event, if you can't come to an
24 agreement submit the redactions to me --

25 MS. BEVERLY: Okay.

1 THE COURT: -- and I'll go over them to see if they're neutral.
2 I mean, that's the standard on the --

3 MS. BEVERLY: Sure.

4 THE COURT: -- redaction. I have three choices. I can sever,
5 which I can redact, or you cannot use it at trial. You know, it appears --
6 and I thought I read in one of -- something I read that decision had been
7 made whether you were going to use the co-Defendant's statements or
8 not --

9 MS. BEVERLY: Well --

10 THE COURT: -- but I have alternatives.

11 MS. BEVERLY: Sure.

12 THE COURT: But one of the alternatives certainly is if the
13 statements could be redacted so they're neutral, that's typically what
14 courts do on a joint trial.

15 MS. BEVERLY: So what I can do is I can actually email you
16 the one --

17 THE COURT: Right.

18 MS. BEVERLY: -- the seven versions of the State. And I'll
19 email you Ms. Machnich's version that she emailed me and I --

20 THE COURT: Well, are you agreeable --

21 MS. BEVERLY: -- [indiscernible].

22 THE COURT: -- to them though?

23 MS. BEVERLY: Well, I don't -- I don't agree to them, but I
24 want Your Honor to see the differences in what the State feels should be
25 redacted and what Ms. Machnich feels should be redacted. So I will

1 send you both versions, the State's redactions and Ms. Machnich's, via
2 email. That way -- they are color coded as well, so hopefully that will
3 make it a little bit easier. Both of us color corded [sic] and then scanned
4 them in color, so hopefully that will make it easier for you to see what the
5 State wants redacted versus what Ms. Machnich wants redacted.

6 THE COURT: Right.

7 MS. BEVERLY: I think she agrees with all the State ones.
8 She just has additional ones that she wants that I don't agree with, so
9 that's kind of where we're at. And then if Mr. Mueller has any, I don't
10 know, but for now I'll send you mine and Ms. Machnich's via email to
11 your chambers.

12 THE COURT: And then -- I'm in a trial this week.

13 MS. BEVERLY: We have trial set for November the 13th. I
14 spoke with Ms. Machnich. I also emailed -- we're on a group email. I
15 haven't heard from Mr. Mueller. But given that the Thanksgiving holiday
16 is in that time period --

17 THE COURT: You're ahead of yourself.

18 MS. BEVERLY: Oh.

19 THE COURT: There's -- on November 2nd, I believe Mr.
20 Hudson has a motion to continue the trial date.

21 MS. MACHNICH: Mr. Turner. Yes, that's my --

22 THE COURT: I'm sorry. Mr. --

23 MS. MACHNICH: -- client, Your Honor.

24 THE COURT: -- I apologize.

25 MS. MACHNICH: Oh, of course. No problem.

1 We had filed that. We can certainly discuss the issue today,
2 Your Honor, since it is based on scheduling issue and not substantial
3 legal ground. I don't believe that it's going to be formally a written
4 opposition by either party. I know the State has no opposition and I
5 believe Mr. Mueller was going to oppose early. So we can deal with that
6 today, Your Honor, or we can come back on Thursday.

7 THE COURT: We're going to come back on Thursday.

8 MS. MACHNICH: Okay. That's fine.

9 THE COURT: Okay. And also -- it's going to be a status
10 check possible negotiations. So --

11 MS. BEVERLY: Okay.

12 THE COURT: -- I'll put it on for a status check.

13 I assume you provided a proposed Guilty Plea Agreement and
14 Amended Information to opposing counsel?

15 MS. BEVERLY: I will give that to them now.

16 THE COURT: Okay.

17 MS. MACHNICH: We previously -- we previously received it,
18 Your Honor.

19 THE COURT: And, Mr. Mueller, have you previously received
20 it?

21 MR. MUELLER: I got the email and I relayed the offer to Mr.
22 Hudson. And we thank the State but decline the offer.

23 THE COURT: Okay.

24 MS. BEVERLY: So do you want the GPA or no?

25 THE COURT: All right. Well --

1 MR. MUELLER: You can give it to me. I'll read it again, but
2 we decline.

3 THE COURT: All right. And if you negotiate as to Mr. Turner,
4 that resolves the *Bruton* issue quite frankly.

5 MS. BEVERLY: Well, it's a contingent negotiation.

6 THE COURT: Okay. And again, I'm not going to tell the State
7 how to negotiate their case. But in any event, I'll also put it on for a
8 status check on October 2. I'm sorry. November 2 --

9 MS. MACHNICH: Okay.

10 THE COURT: -- for a status check and Defendant's motion to
11 continue the trial date. If you want to send your redactions over before
12 then --

13 MS. BEVERLY: I --

14 THE COURT: -- I'll start looking at them.

15 MS. BEVERLY: I absolutely will. Thank you.

16 MS. MACHNICH: And, Your Honor, if it would be easier I
17 could just approach with a copy of the redactions from Mr. Turner.

18 THE COURT: That's fine. Hand them to my -- give them -- I
19 meant Alan. I'm sorry.

20 And, State, if you could provide them to chambers today I'd
21 appreciate it.

22 MS. BEVERLY: Yes. I will bring the hard copies this
23 afternoon.

24 THE COURT: Thank you, counsel.

25 MR. MUELLER: Thank you, Judge.

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MS. MACHNICH: Thank you, Your Honor.

[Proceedings concluded at 9:44 a.m.]

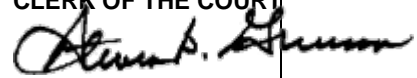
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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.


SANDRA PRUCHNIC
Court Recorder/Transcriber

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.


Jessica Kirkpatrick
Court Recorder/Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,
9 Plaintiff,

10 vs.

11 STEVEN TURNER,
12 CLEMON HUDSON,

13 Defendants.

CASE#: C-15-309578-1
C-15-309578-2

DEPT. XVIII

14 BEFORE THE HONORABLE MARK B. BAILUS DISTRICT COURT JUDGE
15 THURSDAY, NOVEMBER 2, 2017

16 **RECORDER'S TRANSCRIPT OF PROCEEDINGS**
17 **DEFENDANT'S MOTION TO CONTINUE TRIAL DATE;**
18 **STATUS CHECK: NEGOTIATIONS/TRIAL SETTING**

19 APPEARANCES:

20 For the State:

LEAH C. BEVERLY, ESQ.
Chief Deputy District Attorney

21 For Defendant Turner:

TEGAN C. MACHNICH, ESQ.
Deputy Public Defender

22 For Defendant Hudson:

CRAIG A. MUELLER, ESQ.

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25 RECORDED BY: ROBIN PAGE, COURT RECORDER

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Las Vegas, Nevada, Thursday, November 2, 2017

[Case called at 9:23 a.m.]

THE COURT: On pages 2 and 3, State of Nevada versus Steven Turner and Clemon -- I'm sorry. On pages 2 and 13, State of Nevada versus Steven Turner and Clemon Hudson, case number C309578.

Counsel, state your appearances.

MS. BEVERLY: Leah Beverly for the State.

MS. MACHNICH: Tegan Machnich for Mr. Turner.

MR. MUELLER: Craig Mueller on behalf of Mr. Hudson.

THE COURT: And both Defendants are in custody and present.

This is on for Defendant -- Mr. Turner's motion to continue the trial date and a status check regarding negotiations or a trial setting.

MS. BEVERLY: Yes.

MR. MUELLER: Right. Thank you, Your Honor.

There is no negotiations. Defense is going to renew its motion to sever. I have engaged at the Court's invitation a good faith effort to go through the transcripts and to sort them out. I've had the advantage of being an aggressive prosecutor, as well as an aggressive defense attorney, and I know what I would do with my colleague's proposed redactions. They would beat Mr. Hudson left and right. It is a fatally flawed idea that those transcripts can be redacted.

I got five things I would use that first page unredacted for

1 before I gave up.

2 MS. BEVERLY: Your Honor.

3 MR. MUELLER: If I could.

4 MS. BEVERLY: I'm sorry.

5 MR. MUELLER: Defense is -- on behalf of Mr. Hudson, I
6 oppose the idea that we can redact those transcripts successfully. I
7 oppose the motion to continue and I am ready for trial.

8 THE COURT: Very good.

9 Counsel for Mr. Turner.

10 MS. MACHNICH: Your Honor, obviously we've submitted our
11 proposed redactions. If Your Honor is inclined to not sever the case we
12 would --

13 THE COURT: At this point I'm inclined not to sever the case.

14 MS. MACHNICH: Okay. So we've submitted those to Your
15 Honor and we would -- well, I guess not renew. We would ask Your
16 Honor to continue the trial at this time. We're looking at a two to three
17 week minimum trial. There's a lot of State's witnesses, much less
18 defense witnesses, and I personally am out of the jurisdiction the week
19 after Thanksgiving.

20 THE COURT: Okay.

21 MS. BEVERLY: Yes. And, Your Honor, if I could make a
22 record.

23 THE COURT: Sure.

24 MS. BEVERLY: First of all, I have no objection to Ms.
25 Machnich's request to continue. After speaking with her, we have had

1 multiple email conversations, where Mr. Mueller was included, when Ms.
2 Machnich actually contacted your chambers to figure out what the
3 schedule would be. I then looked at my -- compiled my notice -- or my --
4 what I think is going to be the number of witnesses I'm going to call, and
5 right now I'm at about 15 to 20. So with the half days and coming up
6 against Thanksgiving, not only do I think that -- with the half days we're
7 not going to have enough time, I also think that we're going to have a lot
8 of problems with jury -- getting a jury who are going to be going out of
9 town for Thanksgiving, so I have no objection to that.

10 In terms of Mr. Hudson and his objection to the motion to
11 continue, I would note that given the history of this case, all of the prior
12 continuances had been at the request of the defense. And specifically,
13 on May the 3rd of 2016, it was a defense request to continue. On
14 11/29/2016, it was Mr. Hudson's attorney's request to continue, as well
15 as on July the 7th of 2017 -- excuse me, July the 6th of 2017.

16 So he has -- he waived his 60 day trial right back on October
17 the 1st of 2015. I know that this case is about two years old, but that's
18 not uncommon given the nature of the charges and the amount of
19 discovery and witnesses in this case. So given that, I emailed Mr.
20 Mueller and Mr. -- and Ms. Machnich. If Your Honor was inclined to
21 continue with some particular dates -- availability based on your Court's
22 calendar. And so if Your Honor's inclined to continue, I'd be asking for
23 the week of April the 16th, which would give us two weeks of time, which
24 I think we could get it done in two weeks.

25 THE COURT: Mr. Mueller --

1 MR. MUELLER: Your Honor, I --

2 THE COURT: -- anything in reply?

3 MR. MUELLER: I'm ready to go. All ready -- I am prepared
4 and ready to go this time. The transcripts themselves are fatally flawed.
5 The idea that this case can be tried together fairly is not possible.

6 THE COURT: Okay.

7 MR. MUELLER: Mr. Hudson's -- Mr. Turner's statements put
8 Mr. -- and will not be subject to cross-examination, put him at the scene;
9 talks about discussions that I can't cross-examine. Even -- and my
10 colleague went and took only the most tedious and inflammatory quotes.
11 There's all sorts of information that I would use as a prosecutor to
12 convict Mr. Hudson. And without cross-examining Mr. Turner it won't be
13 a fair trial. This case needs to be severed.

14 THE COURT: Okay. At this point I'm going to deny your
15 renewed motion to sever without prejudice.

16 I have been provided with a copy by the State of a redacted
17 version, as well as a redacted version by Mr. Hudson's attorney. What I
18 intend to do is take both those copies and see if I can make my own
19 redactions. I will -- let me finish, counsel.

20 MR. MUELLER: No, I'm sorry. I wasn't -- that's not what I
21 was going to say.

22 THE COURT: Okay. Well, you were taking a deep breath, so
23 I --

24 MR. MUELLER: I was taking a deep breath. I was -- I was
25 thinking. Sorry, Judge.

1 THE COURT: I am then going to provide my redactions to
2 counsel. You will have an opportunity then to object to the redactions
3 that I provide. Then you will also have the opportunity after you had -- to
4 renew your motion to sever if you don't believe the Court's redactions
5 are neutral and you believe that your client will be denied a fair trial if a
6 severance is denied.

7 Because there are still -- I'm going to continue this for two
8 weeks to do that. I am also going to vacate the calendar call and the
9 jury trial. The basis is that there's pending pretrial matters that need to
10 be addressed prior to the trial and also the Court's congested calendar.
11 So I am going to grant Defendant's -- Turner's motion to continue the
12 trial date, noting Mr. Mueller's objection to the same. I'll continue this
13 matter to -- what was the date?

14 THE LAW CLERK: April 16th.

15 MS. BEVERLY: Can we have April the 16th?

16 THE COURT: April --

17 THE LAW CLERK: Sixteenth.

18 THE COURT: April 16th.

19 Clerk, provide them with a pretrial conference date, a calendar
20 call date and a trial date. The trial date being April 16th.

21 [Colloquy between the Court and the Court Clerk]

22 THE COURT CLERK: It's April 17th.

23 MS. BEVERLY: Oh, okay. Sorry.

24 THE COURT: Okay. Announce the dates.

25 Also, I need a two week date for -- on the redactions.

1 THE COURT CLERK: All right. The two week date is
2 November 16th, 9 a.m.
3 MR. MUELLER: November 16th?
4 THE COURT CLERK: November 16.
5 MR. MUELLER: Okay.
6 THE COURT CLERK: Calendar call April 17, 9 a.m.
7 MS. BEVERLY: Oh, I'm sorry. I thought the trial date was
8 April 17th.
9 THE COURT CLERK: No.
10 THE COURT: Hold on.
11 MS. BEVERLY: We can't have a -- that's what the JEA gave
12 me as dates.
13 THE COURT CLERK: Okay. Well -- okay.
14 THE COURT: Wait a minute.
15 THE COURT CLERK: Jury trial April 16 --
16 THE COURT: Hold on a second. Let me just make sure of
17 something.
18 [Colloquy between the Court and the Law Clerk]
19 [Colloquy between the Court and the Court Clerk]
20 THE COURT: April 16th for the trial date.
21 MS. BEVERLY: Thank you.
22 [Colloquy between the Court and the Law Clerk]
23 MS. BEVERLY: What's the calendar call date?
24 THE COURT CLERK: Okay. Let's try it again.
25 Pretrial conference March 6th, 9 a.m. Calendar call April 10th,

1 9 a.m. Jury trial April 16, 11 a.m.

2 MS. BEVERLY: Thank you.

3 THE COURT: And the pretrial conference is for trial
4 readiness.

5 MS. MACHNICH: Okay.

6 MS. BEVERLY: Okay.

7 THE COURT: Advise the Court if you still think we're going to
8 be able to hold onto that April date.

9 MS. BEVERLY: I think that will give us a two week block of
10 time --

11 MS. MACHNICH: Yes.

12 MS. BEVERLY: -- which would be --

13 THE COURT: Also, I would like any pretrial motions, motions
14 in limine -- obviously, I'd like to take care of them around the time of the
15 pretrial conference if you anticipate --

16 MS. BEVERLY: Sure.

17 MS. MACHNICH: That's absolutely fair.

18 MR. MUELLER: Thank you, Judge.

19 THE COURT: -- anything like that.

20 MS. BEVERLY: Okay. Thank you.

21 MS. MACHNICH: All right.

22 THE COURT: And just so you know, in my court, when you
23 come to calendar call I expect you to bring your jury instructions with
24 you.

25 MS. MACHNICH: Yes.

1 THE COURT: And if you stipulated to any facts or exhibits,
2 provide me with a list. That doesn't mean you have to stipulate to
3 anything. It just means if you do, and if there's any special
4 accommodations that you anticipate, like a witness issue that can only
5 travel on a certain day, things of that nature, that would be the time to
6 bring it to my attention --

7 MS. BEVERLY: Sure.

8 THE COURT: -- at calendar call.

9 MS. BEVERLY: Okay.

10 MS. MACHNICH: Okay.

11 MS. BEVERLY: Thank you.

12 MS. MACHNICH: Thank you, Your Honor.

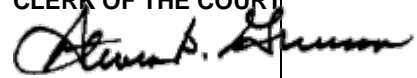
13 MR. MUELLER: Thank you, Judge.

14 [Proceedings concluded at 9:33 a.m.]

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

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25 SANDRA PRUCHNIC
Court Recorder/Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C309578-1
C309578-2

10 vs.

DEPT. XVIII

11 STEVEN TURNER,
12 CLEMON HUDSON,
13 Defendant.

14 BEFORE THE HONORABLE MARK B. BAILUS, DISTRICT COURT JUDGE
15 THURSDAY, NOVEMBER 16, 2017

16 **RECORDER'S TRANSCRIPT OF HEARING:**
17 **STATUS CHECK: STATUS OF CASE - REDACTIONS**

18
19 APPEARANCES:

20 For the State:

LEAH C. BEVERLY, ESQ.
Chief Deputy District Attorney

21 For the Defendants:
22 Steven Turner

GEORDAN G. LOGAN, ESQ.
Deputy Public Defender

23
24 Clemon Hudson

CRAIG A. MUELLER, ESQ.

25 RECORDED BY: ROBIN PAGE, COURT RECORDER

1 Las Vegas, Nevada, Thursday, November 16, 2017

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3 [Hearing began at 9:31 a.m.]

4 THE COURT: Are you ready?

5 MR. MUELLER: I believe so.

6 MS. BEVERLY: I don't think Ms. Machnich is here yet. Um --

7 THE COURT: As soon as she gets here let me know.

8 MR. MUELLER: All right. Thank you, Judge.

9 MS. BEVERLY: Oh, Mr. Logan, is Ms. Machnich coming on
10 Hudson and Turner?

11 MR. LOGAN: I -- I've got that.

12 MS. BEVERLY: Oh, okay. We can actually call it then, I'm
13 sorry. I thought she was coming.

14 THE COURT: This is on page 4, State versus Turner and on
15 page 5, State versus Hudson, case number C309578.

16 This is on for a status check regarding the redactions, --

17 MS. BEVERLY: Yes, Your Honor.

18 THE COURT: -- proposed redactions. Counsel state your
19 appearances.

20 MS. BEVERLY: Leah Beverly for the State.

21 MR. MUELLER: Craig Mueller for Clemon Hudson.

22 MR. LOGAN: Geordan Logan on behalf of Steven Turner,
23 who's present in custody.

24 THE COURT: I've reviewed the redactions submitted by the
25 District Attorney's Office and the redactions submitted by the Public

1 Defender's Office.

2 Mr. Mueller felt he -- the statement cannot be redacted and
3 therefore did not submit any.

4 MR. MUELLER: Thank you.

5 THE COURT: He felt they couldn't be redacted as to be
6 neutral. I have made a determination. I will tell counsel I'm more
7 inclined to go with what the Public Defender has submitted. I am making
8 my own changes to it.

9 MS. BEVERLY: Okay.

10 THE COURT: I -- they're going to be more extensive than
11 what the DA has submitted to me. I --

12 MS. BEVERLY: Okay.

13 THE COURT: I'm not going strictly with what the PD, but I will
14 tell you it's going to be a more extensive redaction than what you have
15 given me.

16 What I'm going to do and I was hoping to have them done by
17 today, but they're not finished yet. I wanted to be able to provide you
18 with my copy of my redactions.

19 MS. BEVERLY: Okay.

20 THE COURT: But I'm not going to sever. I am going to go --
21 but I will tell counsel that once you see my redactions you're not
22 precluded from then re-raising the severance issue so you have a
23 record.

24 MR. MUELLER: Thank you, Judge. And for the record I'm
25 not being flippant, I got in the office early this morning again about 4:00,

1 reread everything again. Mr. Hudson's statement goes to -- Mr. Turner's
2 statement goes to 27 pages. There was the first 3 pages where they
3 introduced themselves and they asked how he got his leg injured are
4 about the only pages that don't have something I wouldn't use as a
5 prosecutor, against Mr. Hudson.

6 And I understand completely, and I just need to make a full
7 record here.

8 THE COURT: And quite frankly Mr. Mueller, I'm going to give
9 you that opportunity once you -- because right now you're arguing in a
10 vacuum.

11 MR. MUELLER: Okay, fair enough.

12 THE COURT: Because my redactions -- and I completely
13 understand what you're saying, that's why I denied the motion to sever
14 without prejudice. So once you see the redactions I have proposed, if
15 you still have objections to them, which it sounds like you will, based on
16 your earlier argument to me, that you felt that there -- that there wasn't
17 any redactions that would be neutral. And so I obviously want to make
18 sure you have a full record on this issue.

19 MR. MUELLER: Right. Thank you, Judge.

20 THE COURT: So because of the holidays and everything I'm
21 going to continue this two weeks. At that time, I'll supply counsel with
22 my redactions and then give you the opportunity to file a motion to sever,
23 or if you're satisfied with them, we'll go with them.

24 MR. MUELLER: All right. Thank you, Judge.

25 MS. BEVERLY: Just a question. I --

1 THE COURT: I don't know if that came out as clear as I
2 meant it to be. But I'm going to give you an opportunity to re-raise your
3 motion to sever if you're not satisfied with the proposed redactions by
4 the Court.

5 MR. MUELLER: All right. Thank you, Judge.

6 MS. BEVERLY: Just a question. Can Mr. Mueller -- are you
7 going to give the redactions before the next court date, so Mr. Mueller
8 can then argue when we come to the next court date, if possible?

9 THE COURT: If I can get them to you before the next court
10 date --

11 MS. BEVERLY: Okay.

12 THE COURT: -- that would be fine. Or you might want to file
13 a whole new motion, counsel, if really want to protect the record.

14 MR. MUELLER: All right. Thank you, Judge. I --

15 THE COURT: I'll give you that opportunity. If you just want to
16 argue it --

17 MR. MUELLER: In the spirit --

18 THE COURT: -- I'll give you that opportunity too.

19 MS. BEVERLY: And I think you can just argue it, but --

20 MR. MUELLER: I -- is the spirit of the Court -- if the Court's
21 going to the extra effort I will consider it full and fairly. I have a fairly full
22 view of what needs to happen, but I'm open to reviewing it on behalf of
23 protecting Mr. Hudson's rights.

24 THE COURT: And just so you know, I'm willing to go line by
25 line.

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MR. MUELLER: Okay.

THE COURT: I'll take the time. I'll put it at the end of my calendar and you can argue line by line, or you can argue in total that the whole thing is not neutral.

MR. MUELLER: All right. Thank you, Judge. I can't -- you can't be more fair than that. I will accept the offer and I will see what you've got proposed.

THE COURT: All right. Thank you, counsel.

THE CLERK: November 30th, 9:00 a.m.

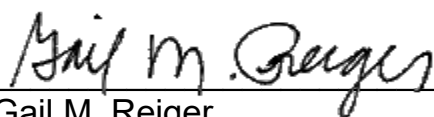
MR. LOGAN: Thank you, Judge.

MR. MUELLER: Thank you, Judge.

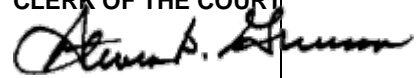
[Hearing concluded at 9:36 a.m.]

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Gail M. Reiger
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1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C309578-1
C309578-2

10 vs.

DEPT. XVIII

11 STEVEN TURNER,
12 CLEMON HUDSON,
13 Defendant.

14 BEFORE THE HONORABLE MARK B. BAILUS, DISTRICT COURT JUDGE
15 THURSDAY, NOVEMBER 30, 2017

16 **RECORDER'S TRANSCRIPT OF HEARING:**
17 **STATUS CHECK: STATUS OF CASE - REDACTIONS**

18
19 APPEARANCES:

20 For the State:

LEAH C. BEVERLY, ESQ.
Chief Deputy District Attorney

21
22 For the Defendants:
Steven Turner

ALEXANDER J. HUBERT, ESQ.
Deputy Public Defender

23
24 Clemon Hudson

CRAIG A. MUELLER, ESQ.

25
RECORDED BY: ROBIN PAGE, COURT RECORDER

1 Las Vegas, Nevada, Thursday, November 30, 2017

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3 [Hearing began at 9:05 a.m.]

4 THE COURT: Good morning, ladies and gentleman.

5 On page 3 and 4, State versus Turner, case number

6 C309578,

7 MR. MUELLER: Good morning, Your Honor. Craig Mueller,
8 on behalf of Mr. Hudson.

9 MS. BEVERLY: And we need Mr. Turner.

10 THE COURT: Do we have counsel for Mr. Turner?

11 MS. BEVERLY: Yes, it's you.

12 MR. HUBERT: It threw me when he jumped up here.

13 THE COURT: Can counsel state their appearances?

14 MS. BEVERLY: Leah Beverly for the State.

15 MR. HUBERT: Alex Hubert, on behalf of the Public Defender.

16 THE COURT: And let the reflect -- record reflect Mr. Turner
17 and Mr. Hudson are present in custody.

18 This is on for a status check. Counsel for the defense, Mr.
19 Mueller, had filed a motion to sever. I denied that motion as an
20 alternative. The State had submitted redactions as well as the Public
21 Defender's Office. What I did was went through both parties redactions
22 and then I did some of my own redactions.

23 MS. BEVERLY: Okay.

24 THE COURT: The way I did it is, I think, we did it on one
25 statement. It's Mr. Turner's statement that you're seeking to bring in, is

1 that correct?

2 MS. BEVERLY: Well, it's both, I -- the State --

3 THE COURT: You're both? But we did it on both, but I wasn't
4 sure --

5 MS. BEVERLY: Right. The State submitted redactions on all
6 -- both of their statements.

7 THE COURT: Right.

8 MS. BEVERLY: Ms. Machnich only submitted on her client,
9 because she didn't have --

10 THE COURT: All right.

11 MS. BEVERLY: -- a basis to make redactions to the
12 co-Defendant's statements.

13 THE COURT: Here's what I did. I took the -- I took one
14 statement and then I -- the dark portion of that statement is the District
15 Attorney's redactions. Then in green we did the Public Defender's
16 redactions.

17 MS. BEVERLY: Okay.

18 THE COURT: In yellow, I did my suggested redactions.

19 MS. BEVERLY: Okay.

20 THE COURT: So on one -- on one statement you'll see
21 multiple redactions in different colors because that's -- trying to --

22 MR. MUELLER: Well I know I -- I'm actually very impressed,
23 Judge. I'm not sure I would have done that.

24 THE COURT: So --

25 MR. MUELLER: Put the time in for that, so thank you.

1 THE COURT: -- now these are, again, I'm trying to make this
2 as neutral as I can, but still, you know, make it a readable form.

3 MS. BEVERLY: I understand.

4 THE COURT: So, I'm in trial right now and my calendar's
5 probably gonna go -- bump right up until the time I have to go in trial. I
6 was going to continue this two weeks --

7 MS. BEVERLY: Okay.

8 THE COURT: -- for a pretrial conference.

9 MS. BEVERLY: Okay.

10 THE COURT: I told Mr. Mueller that, you know, even though I
11 denied his motion to sever, he could renew it after he sees the
12 redactions. That's my expectation, but if I do deny it, I want input from
13 the State and the Defense as to the redacted statements that may be
14 admitted at a joint trial.

15 MS. BEVERLY: Okay.

16 THE COURT: So I'm going to set it down for two weeks.
17 Contact my Law Clerk later today and he'll provide you each with copies
18 of both statements with the redactions. And then when we come back
19 for a pretrial conference you can tell me your objections, or you can file
20 written objections, either one. And then I'll make a determination as -- if
21 I deny Mr. Mueller's motion to sever, what redactions will be provided
22 during the trial.

23 MS. BEVERLY: Okay.

24 MR. MUELLER: Thank you, Judge, and I sincerely appreciate
25 the extra effort. I know what -- that I'm -- I've been through the

1 statements a few times myself. I sincerely appreciate that.

2 THE COURT: All right. Thank you, counsel.

3 MS. BEVERLY: Thank you.

4 THE COURT: So two weeks for a pretrial conference
5 regarding the redactions.

6 THE CLERK: December 14th, 9:00 a.m.

7 MR. MUELLER: And we -- if I have my paralegal call over
8 we've got a -- I can get a copy today? I'm not -- okay so have him call
9 today?

10 THE COURT: Yeah, he --

11 MS. BEVERLY: Can I just come to chambers after --

12 THE COURT: If you could do it in the afternoon though,
13 because we're going to be in Court most of the morning.

14 MR. MUELLER: No problem, Judge. I'm on my way down to
15 Henderson, I'll give them your regards.

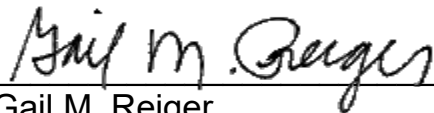
16 THE COURT: All right. Thank you, counsel.

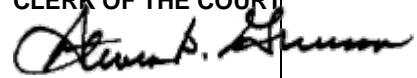
17 MS. BEVERLY: Thank you.

18 [Hearing concluded at 9:09 a.m.]

19 * * * * *

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

24 
25 Gail M. Reiger
Court Recorder/Transcriber



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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C309578-1
C309578-2

10 vs.

DEPT. XVIII

11 STEVEN TURNER,
12 CLEMON HUDSON,
13 Defendant.

14 BEFORE THE HONORABLE MARK B. BAILUS, DISTRICT COURT JUDGE
15 THURSDAY, DECEMBER 14, 2017

16 **RECORDER'S TRANSCRIPT OF HEARING:**
17 **STATUS CONFERENCE - REDACTIONS**

18
19 APPEARANCES:

20 For the State:

LEAH C. BEVERLY, ESQ.
Chief Deputy District Attorney

21
22 For the Defendants:
Steven Turner

TEGAN C. MACHNICH, ESQ.
Deputy Public Defender

23
24 Clemon Hudson

CLAY A. PLUMMER, ESQ.

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RECORDED BY: ROBIN PAGE, COURT RECORDER

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Las Vegas, Nevada, Thursday, December 14, 2017

[Hearing began at 9:23 a.m.]

THE COURT: On page 3, State versus Turner, case number C309578. Is Mr. Mueller here?

MS. MACHNICH: I believe we have someone standing in for him?

MR. PLUMMER: Clay Plummer from -- with Mr. Mueller's office, Your Honor.

MS. MACHNICH: And good morning, Your Honor. Tegan Machnich, Public Defender's Office for Mr. Turner.

MS. BEVERLY: Leah Beverly for the State.

THE COURT: And is the co-Defendant present, Mr. Hudson?

MS. BEVERLY: Yes.

THE COURT: So Mr. Turner and Mr. Hudson are present.

All right. This is on for a status check regarding the redactions of the statement, I believe it's Mr. Turner's statement, is that correct?

MS. BEVERLY: It's both of their statements, Judge. Last time we were here your Law Clerk gave me copies of the Court's redactions. I then emailed them to both Ms. Machnich and Mr. Mueller and then we were just here, you know, if that's what the Court's redactions are, the State's fine with that. I will make those adjustments appropriately if I even decide to play the statement, that's still up in the air. But I appreciate the Court going through and making those redactions and that's -- it's not fine with the State, but I accept --

1 THE COURT: I understand.

2 MS. BEVERLY: -- what the Court's asking me to do.

3 THE COURT: And my position is this, counsel, and I
4 understand that Mr. Mueller has filed a motion to sever, which I denied
5 without prejudice. I wanted to give counsel the opportunity to see the
6 suggested redactions that I was going to give if -- if there is a joint trial.
7 This doesn't preclude either counsel from filing additional motions
8 related to this. Whether you think there should be additional redactions
9 or whether you think a motion for severance is still appropriate.

10 But at this point, I've denied the motion to sever and unless
11 you can convince me of additional redactions, or if you think I -- some of
12 the redactions are unhelpful and you want that information to come in.
13 But these are my suggested redactions if there is a joint trial.

14 MS. MACHNICH: Your Honor, on behalf of Mr. Turner, I did
15 receive the redactions proposed and reviewed especially in detail the
16 ones of Mr. Hudson's statements, which would be the ones that we
17 would be challenging.

18 THE COURT: Mm-hmm.

19 MS. MACHNICH: Because obviously Mr. Turner's statements
20 are admissible against him. And based on Your Honor's redactions, we
21 have no challenge to the statements on those grounds, at this point. On
22 *Brutton* grounds as opposed to -- we may have some additional motion
23 practice in the case.

24 THE COURT: And you're not precluded from filing any
25 additional motions. And again, I think I -- I advised Mr. Mueller, I denied

1 his motion to sever without prejudice. So if after reviewing the proposed
2 redactions you still feel it's an appropriate motion or you want to make
3 additional redactions, you're not precluded from doing so.

4 MR. PLUMMER: Understood, Your Honor, I believe Mr.
5 Mueller will be filing that motion.

6 THE COURT: Okay. I'm -- I would not be surprised. In any
7 evate -- in any event we have a pretrial conference scheduled for March
8 6th, 2018. A calendar call for April 10, 2018, and jury trial scheduled for
9 April 16th, 2018.

10 MS. BEVERLY: Thank you.

11 MS. MACHNICH: Thank you, Your Honor.

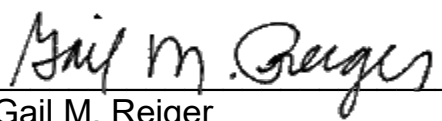
12 THE COURT: Thank you, counsel.

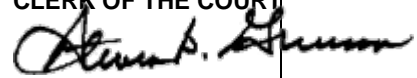
13 MR. PLUMMER: Thank you, Your Honor.

14 [Hearing concluded at 9:26 a.m.]

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

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25 Gail M. Reiger
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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,
9 Plaintiff,

10 vs.

11 STEVEN TURNER,
12 CLEMON HUDSON,
13 Defendant.

CASE#: C309578-1
C309578-2

DEPT. XVIII

14 BEFORE THE HONORABLE MARK B. BAILUS, DISTRICT COURT JUDGE
15 TUESDAY, MARCH 6, 2018

16 **RECORDER'S TRANSCRIPT OF HEARING:**
17 **PRETRIAL CONFERENCE; DEFENDANT'S MOTION IN LIMINE;**
18 **DEFENDANT'S MOTION TO SUPPRESS STATEMENTS AND**
19 **REQUEST FOR JACKSON v. DENNO HEARING**

20 APPEARANCES:

21 For the State:

LEAH C. BEVERLY, ESQ.
Chief Deputy District Attorney

22 For the Defendants:
23 Steven Turner

TEGAN C. MACHNICH, ESQ.
Deputy Public Defender

24 Clemon Hudson

CLAY A. PLUMMER, ESQ.

25 RECORDED BY: ROBIN PAGE, COURT RECORDER

1 Las Vegas, Nevada, Tuesday, March 6, 2018

2
3 [Hearing began at 9:18 a.m.]

4 THE COURT: On page 1, case number C309578, State
5 versus Turner and State versus Steven Turner and Clemon Hudson.

6 MS. BEVERLY: Judge, I think we're waiting on Mr. Mueller for
7 Mr. Hudson.

8 THE COURT: That's fine. As soon as he arrives let me know
9 and I'll recall the case.

10 MS. BEVERLY: Thank You.

11 MS. MACHNICH: Thank you, Your Honor.

12 [Hearing trailed at 9:19 a.m.]

13 [Hearing resumed at 9:28 a.m.]

14 MS. BEVERLY: Can we recall Mr. Tuner and Mr. Hudson?

15 THE COURT: I can.

16 MS. BEVERLY: Thank you.

17 THE COURT: On page 1, case number C309578, State
18 versus Steven Turner and on page 2, State versus Clemon Hudson.

19 MS. BEVERLY: Leah Beverly for the State.

20 MS. MACHNICH: Good morning, Your Honor. Tegan
21 Machnich, for Mr. Turner.

22 THE COURT: Is Mr. Mueller here?

23 MR. PLUMMER: Good morning, Your Honor. Clay Plummer,
24 with Craig Mueller's office.

25 THE COURT: Thank you counsel. And let the record reflect

1 the Defendants are present in custody.

2 This is on for a pretrial conference, Defendant's motion in
3 limine, and Defendant's motion to suppress statements and request for
4 a *Jackson v. Denno* hearing.

5 Apparently these motions were set on a very short setting.

6 MS. BEVERLY: Yes, that's what I was going to say, Your
7 Honor. And I spoke with Ms. Machnich about this because our motions
8 got set pretty quick, even though she did inform me that she was going
9 to be filing them. So I really appreciate that from her. But then
10 whenever, I guess the Court set them on the calendar they got set really
11 short. I have managed to file an opposition to the motion to suppress,
12 but I'm still -- I need a couple of days to file --

13 THE COURT: And I was going to give you an opportunity,
14 counsel.

15 MS. BEVERLY: Okay. Thank you so much.

16 THE COURT: And then I was going to give Defense counsel
17 an opportunity to file an optional reply brief if they think it's necessary.
18 Are you satisfied with your opposition or did you want to supplement it in
19 any way?

20 MS. BEVERLY: No, I'm fine with my opposition to the motion
21 to suppress.

22 THE COURT: So you just need to file an opposition to
23 Defendant's motion in limine? When --

24 MS. BEVERLY: Correct.

25 THE COURT: -- when do -- how much time do you need

1 counsel?

2 MS. BEVERLY: It's not very long, so no more than a week at
3 all.

4 THE COURT: A week?

5 MS. BEVERLY: Yes. But -- oh, I'm sorry, go ahead.

6 THE COURT: Okay. Is a week going to be sufficient?

7 MS. BEVERLY: Yes, that's plenty of time.

8 THE COURT: And does counsel want to file a -- the
9 opportunity to file an optional reply?

10 MS. MACHNICH: Almost certainly not. We'll be able to
11 respond orally. Again, it's a discrete issue, so.

12 THE COURT: Okay. I'm talking as to both of them though, to
13 your motion to suppress statements and request for *Jackson v. Denno*
14 hearing and a motion in limine.

15 MS. MACHNICH: Your Honor, I don't believe we need the
16 opportunity to file a reply on either of those. I believe we can respond
17 orally on both and hear them today or at a later date.

18 THE COURT: And Mr. -- sir, do you need a reply? To file a
19 reply, time to file a reply?

20 MS. MACHNICH: He didn't file any motions.

21 MR. PLUMMER: We didn't --

22 MS. BEVERLY: He didn't do anything.

23 THE COURT: This is not your motion?

24 MR. PLUMMER: We didn't -- we -- This is not our motion,
25 Your Honor.

1 THE COURT: You didn't joined in?
2 MS. MACHNICH: No.
3 MS. BEVERLY: No.
4 MR. PLUMMER: We did not.
5 THE COURT: Okay. That's fine.
6 MR. PLUMMER: I didn't know they were filed.
7 MS. BEVERLY: It applies to her client's statement, so it's
8 not --

9 THE COURT: Okay. Two weeks?

10 MS. BEVERLY: Yes.

11 MS. MACHNICH: That's fine, Your Honor.

12 THE COURT: All right. So we'll continue the pretrial
13 conference and the motions for two weeks.

14 THE CLERK: March 22nd at 9:00 a.m.

15 MS. BEVERLY: Your Honor, one last thing. Over the last six
16 months to a year I have been continuously extending offers to both of
17 these Defendants. And yesterday I once again, for the last time,
18 extended the same offer that I've been extending for the last six to nine
19 months to these Defendants, which is for them to plead, both of them,
20 contingent, for them to plead guilty to attempt murder with use of a
21 deadly weapon plus conspiracy to commit burglary, full right to argue.
22 However, the State would not argue for more than ten years on the top
23 of the deadly weapon enhancement on the attempt murder.

24 Mr. Turner, Ms. Machnich's client, has said multiple times that
25 he wants to take the offer. I have extended the same offer to Mr.

1 Mueller's client over and over and over again, and I'm giving them one
2 last opportunity as I told them yesterday. So can we have a few minutes
3 for him to speak to him about that, because I -- multiple counsels have
4 talked to him about this offer. So I just want to be clear, because I'm
5 going to revoke it today.

6 THE COURT: Well, I'm not going to do that because I don't
7 think a few minutes will be a sufficient record if he were to accept it.
8 What I'll do is, I'd request that you leave the offer open to the next court
9 hearing which is going to be two weeks.

10 MS. BEVERLY: Okay.

11 THE COURT: Thank you, counsel.

12 Counsel be sure to convey the offer to your client.

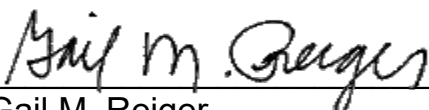
13 MR. PLUMMER: Yes, Your Honor.

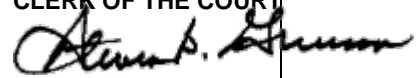
14 THE COURT: Thank you.

15 [Hearing concluded at 9:32 a.m.]

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21 ATTEST: I do hereby certify that I have truly and correctly transcribed
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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,
9 Plaintiff,

10 vs.

11 STEVEN TURNER and CLEMON
12 HUDSON,
13 Defendants,

)
) CASE#: C309578-1, and -2
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) DEPT. XVIII
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14 BEFORE THE HONORABLE MARK B. BAILUS, DISTRICT COURT JUDGE
15 TUESDAY, APRIL 10, 2018

16 **RECORDER'S TRANSCRIPT OF HEARING:**
17 **CALENDAR CALL**

18 APPEARANCES:

19 For the State:

BERNARD ZADROWSKI, ESQ.
Chief Deputy District Attorney

21 For the Defendants:
22 Steven Turner:

TEGAN C. MACHNICH, ESQ.
Deputy Public Defender

23 Clemon Hudson:

CLAY A. PLUMMER, ESQ.

24
25 RECORDED BY: ROBIN PAGE, COURT RECORDER

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Las Vegas, Nevada, Tuesday, April 10, 2018

[Hearing began at 9:46 a.m.]

THE COURT: On page one and two, case number C309578, State versus Steven Turner, and Clemon Hudson.

Counsel, state your appearances please.

MS. MACHNICH: Tegan Machnich Public Defenders office, 11642 for Mr. Turner who is present in custody.

MR. PLUMMER: Clay Plummer 6778 for Mr. Hudson who is present and in custody.

THE COURT: This time set for calendar call. This was a firm setting. Is this matter going forward?

MS. MACHNICH: Yes, Your Honor.

MR. PLUMMER: Yes, Your Honor.

THE COURT: Thank you, counsel. I would advise counsel that at this time that I've been advised that this courtroom is -- the JAVS are being updated and it'll take about a week. So I'm going to continue calendar call over until Thursday, at which time I will advise you what courtroom we will begin the trial in. I believe what we'll do is start, use that courtroom for a week and then when this courtroom -- you advise it's going to be about a two or three week trial?

MR. ZADROWSKI: Well a week-and-a-half is what trial counsels advised me this morning.

THE COURT: Okay.

MR. ZADROWSKI: I don't know if that's --

1 THE COURT: Well this courtroom is going to be unavailable
2 for a week, so depending on how the trial goes we may just remain in
3 whatever courtroom we're assigned.

4 MS. MACHNICH: Your Honor, might we inquire how many
5 trial days a week we're having?

6 Mr. PLUMMER: Yeah.

7 THE COURT: I would do five days, but of those five days at
8 least three probably four will be half-days.

9 MS. MACHNICH: Okay, so Monday through Thursday half-
10 days, and Friday full day.

11 THE COURT: In all probability.

12 MS. MACHNICH: Okay. And that's very helpful, thank you.

13 THE COURT: That's correct.

14 MS. MACHNICH: And then, Your Honor, I got previously said
15 that you'd like, if at all practicable, our jury instructions, and any
16 stipulations, and exhibits to be worked out by noon this Friday?

17 THE COURT: That's correct. And certainly, again, there's no
18 requirement that you stipulate to any exhibits. Usually counsel will meet
19 and confer -- actually that's a bad choice of words. Usually counsel will
20 discuss the exhibits that are to be introduced into evidence, see if there's
21 going to be any that are going to be stipulated to. Obviously there's no
22 requirement that you stipulate to any exhibits or any stipulated facts. If
23 they are, I'd like to be notified prior to the trial.

24 As to jury instructions, I used to require them at calendar call.
25 I have become more relaxed on that issue. As long as I get them by 5

1 p.m. on Friday that'll be satisfactory. Also, I'd like courtesy copies, hard
2 copies, provided to me, not emails. And if you could provide the
3 courtesy copy to my chambers by 5 o'clock on Friday.

4 MS. MACHNICH: Of course.

5 THE COURT: And if there's any matters that you think that I
6 will need to make special accommodations on, taking witnesses out of
7 order, like typically in law enforcement or an expert or somebody like
8 that. I'd also like to be advised of that, if you anticipate having to take
9 somebody out of order. And this is for the State also.

10 MS. MACHNICH: Okay.

11 THE COURT: Is there anything further -- so I will continue
12 calendar call until Thursday, at which time I should have a courtroom
13 available to begin the trial on Monday.

14 MS. MACHNICH: Okay.

15 THE COURT: Thank you, counsel.

16 MS. MACHNICH: Thank you, Your Honor.

17 MR. PLUMMER: Can we have the time?

18 [Colloquy between The Court and court staff]

19 THE COURT: We're going to continue it until Thursday.

20 MS. MACHNICH: Okay.

21 THE CLERK: April 12th, 9 a.m.

22 THE COURT: But it's -- you've announced ready, so we're
23 going to go next week. I'm just going to advise you on Thursday what
24 courtroom we're going to go in.

25 MS. MACHNICH: Perfect.

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THE COURT: All right.

MS. MACHNICH: So just the courtroom assignment, okay.

THE COURT: Thank you, counsel.

MR. PLUMMER: Your Honor, do you want us to be present for that? Or can the Court just send us an email or notification on what courtroom?

THE COURT: I could do that.

MR. PLUMMER: Instead of bringing everybody in.

THE COURT: What's your preference?

I could do that. I could just send an email to all counsel advising you what courtroom. That'll be satisfactory. So you don't have to -- I won't continue the calendar call I'll just advise you what courtroom it begins in. And it will be 1 o'clock on Monday.

MS. MACHNICH: Okay, thank you.

MR. PLUMMER: Thank you, Your Honor.

THE COURT: Thank you, counsel.

[Hearing concluded at 9:50 a.m.]

* * * * *

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



Ruby Feda
Court Recorder/Transcriber

1 AIND
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 LEAH BEVERLY
6 Chief Deputy District Attorney
7 Nevada Bar #012556
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

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

APR 15 2018

BY: 
ALAN PAUL CASTLE, SR. DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO: C-15-309578-1/2

-VS-

DEPT NO: XVIII

STEVEN TURNER, #2717636
CLEMON HUDSON, #7025101

Defendant(s).

AMENDED
INDICTMENT

STATE OF NEVADA }
COUNTY OF CLARK } ss.

The Defendant(s) above named, STEVEN TURNER, CLEMON HUDSON, accused by the Clark County Grand Jury of the crime(s) of CONSPIRACY TO COMMIT BURGLARY (Gross Misdemeanor - NRS 205.060, 199.480 - NOC 50445); ATTEMPT BURGLARY WHILE IN POSSESSION OF A FIREARM OR DEADLY WEAPON (Category C Felony - NRS 205.060.4 - NOC 50443); ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031) and BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481 - NOC 50226), committed at and within the County of Clark, State of Nevada, on or about the 4th day of September, 2015, as follows:

///

///

C-16-309578-2
AIND
Amended Indictment
4738353



0275

1 COUNT 1 - CONSPIRACY TO COMMIT BURGLARY

2 did willfully and unlawfully conspire with each other and/or an unknown co-
3 conspirator to commit a burglary, by the defendants committing the acts as set forth in Count
4 2, said acts being incorporated by this reference as though fully set forth herein.

5 COUNT 2 - ATTEMPT BURGLARY WHILE IN POSSESSION OF A FIREARM OR
6 DEADLY WEAPON

7 did then and there willfully, unlawfully, and feloniously attempt to enter, with intent
8 to commit larceny and/or a felony, to-wit: robbery, that certain residence occupied by ERIC
9 CLARKSON and/or WILLOUGHBY GRIMALDI, located at 6729 Oveja Circle, Las Vegas,
10 Clark County, Nevada, said Defendants did possess and/or gain possession of a firearm during
11 the commission of the crime and/or before leaving the structure, by the Defendants being
12 criminally liable under one or more of the following principles of criminal liability, to-wit: (1)
13 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this
14 crime, with the intent that this crime be committed, by counseling, encouraging, hiring,
15 commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3)
16 pursuant to a conspiracy to commit this crime, with the intent that this crime be committed,
17 Defendants aiding or abetting and/or conspiring in the following manner, to wit: by entering
18 into a course of conduct whereby one or more of the defendants and/or unknown co-
19 conspirator went to the residence of ERIC CLARKSON and/or WILLOUGHBY GRIMALDI
20 to steal marijuana, repeatedly knocked on the front door of the residence, rang the doorbell
21 and pounded on the security door to the residence, one or more of the defendants and/or
22 unknown co-conspirators ran into the backyard of the residence, thereafter Defendant
23 STEVEN TURNER shot at Las Vegas Metropolitan Police Department Officers J.
24 ROBERTSON and M. GRECO-SMITH with an SKS rifle, striking Officer J. ROBERTSON
25 in the right leg, Defendant CLEMON HUDSON fired one round from a shotgun toward said
26 officers, striking the doorway of the residence, Defendants acting in concert throughout.

27 ///

28 ///

1 COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

2 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill J.
3 ROBERTSON, Las Vegas Metropolitan Police Department, a human being, with use of a
4 deadly weapon, to-wit: a firearm, by shooting at the body of the said J. ROBERTSON; the
5 Defendants being criminally liable under one or more of the following principles of criminal
6 liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the
7 commission of this crime, with the intent that this crime be committed, by counseling,
8 encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit
9 the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this
10 crime be committed, Defendants aiding or abetting and/or conspiring in the following manner,
11 to wit: by entering into a course of conduct whereby one or more of the defendants and/or
12 unknown co-conspirators repeatedly knocked on the front door of the residence of ERIC
13 CLARKSON and/or WILLOUGHBY GRIMALDI, rang the doorbell and pounded on the
14 security door to the residence, one of more of the defendants and/or unknown co-conspirators
15 ran into the backyard of the residence, thereafter Defendant STEVEN TURNER shot at Las
16 Vegas Metropolitan Police Department Officers J. ROBERTSON and M. GREGO-SMITH
17 with an SKS rifle, striking Officer J. ROBERTSON in the right leg, Defendant CLEMON
18 HUDSON fired one round from a shotgun toward said officers, striking the doorway of the
19 residence, Defendants acting in concert throughout.

20 COUNT 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

21 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill M.
22 GREGO-SMITH, Las Vegas Metropolitan Police Department, a human being, with use of a
23 deadly weapon, to-wit: a firearm, by shooting at the body of the said M. GREGO-SMITH;
24 the Defendants being criminally liable under one or more of the following principles of
25 criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting
26 in the commission of this crime, with the intent that this crime be committed, by counseling,
27 encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit
28 the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this

1 crime be committed, Defendants aiding or abetting and/or conspiring in the following manner,
2 to wit: by entering into a course of conduct whereby one or more of the defendants and/or
3 unknown co-conspirators repeatedly knocked on the front door of the residence of ERIC
4 CLARKSON and/or WILLOUGHBY GRIMALDI, rang the doorbell and pounded on the
5 security door to the residence, one of more of the defendants and/or unknown co-conspirators
6 ran into the backyard of the residence, thereafter Defendant STEVEN TURNER shot at Las
7 Vegas Metropolitan Police Department Officers J. ROBERTSON and M. GREGO-SMITH
8 with an SKS rifle, striking Officer J. ROBERTSON in the right leg, Defendant CLEMON
9 HUDSON fired one round from a shotgun toward said officers, striking the doorway of the
10 residence, Defendants acting in concert throughout.

11 COUNT 5 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
12 SUBSTANTIAL BODILY HARM

13 did willfully, unlawfully, and feloniously use force or violence upon the person of
14 another, to-wit: J. ROBERTSON, Las Vegas Metropolitan Police Department, with use of a
15 deadly weapon, to-wit: a firearm, by shooting into the body of the said J. ROBERTSON with
16 said firearm, resulting in substantial bodily harm to J. ROBERTSON, Las Vegas Metropolitan
17 Police Department, by the Defendants being criminally liable under one or more of the
18 following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or
19 (2) by aiding or abetting in the commission of this crime, with the intent that this crime be
20 committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise
21 procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this
22 crime, with the intent that this crime be committed, Defendants aiding or abetting and/or
23 conspiring in the following manner, to wit: by entering into a course of conduct whereby one
24 or more of the defendants and/or unknown co-conspirators repeatedly knocked on the front
25 door of the residence of ERIC CLARKSON and/or WILLOUGHBY GRIMALDI, rang the
26 doorbell and pounded on the security door to the residence, one of more of the defendants
27 and/or unknown co-conspirators ran into the backyard of the residence, thereafter Defendant
28 STEVEN TURNER shot at Las Vegas Metropolitan Police Department Officers J.

1 ROBERTSON and M. GREGO-SMITH with an SKS rifle, striking Officer J. ROBERTSON
2 in the right leg, Defendant CLEMON HUDSON fired one round from a shotgun toward said
3 officers, striking the doorway of the residence, Defendants acting in concert throughout.

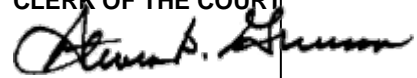
4 DATED this ____ day of April, 2018.

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

8 BY


9 LEAH BEVERLY
10 Chief Deputy District Attorney
11 Nevada Bar #012556

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1 **RTRAN**

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3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5
6
7 **THE STATE OF NEVADA,**

8 **Plaintiff(s),**

9 **vs.**

10 **STEVEN TURNER AND CLEMON**
11 **HUDSON,**

12 **Defendant(s).**

}
} **Case No. C-15-309578-1 and**
} **Case No. C-15-309578-2**

} **DEPT. XVIII**

13
14 **BEFORE THE HONORABLE MARK B. BAILUS,**
15 **DISTRICT COURT JUDGE**

16
17 **MONDAY, APRIL 16, 2018**

18 ***TRANSCRIPT OF PROCEEDINGS RE:***
19 **JURY TRIAL - DAY 1**

20
21
22 **(Appearances on page 2.)**

23
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25 **RECORDED BY: ROBIN PAGE, COURT RECORDER**

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APPEARANCES:

For the Plaintiff(s):

LEAH C. BEVERLY, ESQ.
(Deputy District Attorney)
JOHN L. GIORDANI III, ESQ.
(Deputy District Attorney)

For the Defendant
Steven Turner:

TEGAN C. MACHNICH, ESQ.
(Deputy Public Defender)
ASHLEY L. SISOLAK, ESQ.
(Deputy Public Defender)

For the Defendant
Clemon Hudson:

CLAY PLUMMER, ESQ.

1 **LAS VEGAS, NEVADA, MONDAY, APRIL 16, 2018**

2 [Proceedings commenced at 1:29 p.m.]

3
4 [Outside the presence of the prospective jury panel.]

5 THE COURT: Please be seated. This time set for the trial in
6 the *State of Nevada vs. Steven Turner, Clemon Hudson*,
7 Case No. C-15-309578-1/2.

8 Counsel, state your appearances, please.

9 MS. MACHNICH: Tegan Machnich and Ashley Sisolak for
10 Mr. Turner.

11 MR. PLUMMER: Clay Plummer for Mr. Hudson.

12 MS. BEVERLY: Leah Beverly and John Giordani for the
13 State.

14 THE COURT: And let the record reflect that Mr. Turner and
15 Mr. Hudson are present.

16 MS. MACHNICH: Thank you, Your Honor.

17 THE COURT: Thank you.

18 Counsel, I'll used to modify the Arizona method. After general
19 questions to the venire, I will seat 24 in the box from the juror list.
20 Seats 1 through 12 will be the jurors, and 13 and 14 will be the
21 alternates. We will not inform the alternate jurors of the fact they are
22 alternates.

23 Challenges for cause will be made on the record unless you
24 believe it to be a sensitive matter. If you wish, you may traverse the
25 challenge juror.

1 After both pass a group for cause, you may then execute four
2 plus one peremptory challenges for the alternate -- for the jurors and the
3 alternates on the sheet provided.

4 Please do not make any speaking objections. Your objections
5 should only include the legal basis for your objection. If you need
6 additional argument, you will -- you can request to approach the bench.

7 Because we're using a court recorder, please identify yourself
8 as speaking and pay attention to where the microphone is when you
9 approach the bench.

10 Before I begin voir dire, I will ask each of you to make a brief
11 factual statement, not to exceed three minutes, regarding the nature of
12 the allegations and the identity of any witnesses that you intend to call. I
13 permit the jurors to ask questions.

14 Any questions about that procedure?

15 MS. MACHNICH: No, Your Honor.

16 THE COURT: Thank you.

17 MR. PLUMMER: No, Your Honor.

18 THE COURT: Thank you. If you are using a PowerPoint as
19 part of an opening or closing, please place it on a portable electronic
20 storage device or print it and give it to the clerk so that he can place it in
21 a sealed envelope and mark it as a Court's exhibit.

22 If anyone wants any dailies or any portions of the testimony
23 you will to be need to be sent out for transcription, please advise my
24 court recorder.

25 MS. MACHNICH: Thank you, Your Honor.

1 MS. BEVERLY: Thank you.

2 THE COURT: Anything further? I'm going to call in the
3 potential jury panel.

4 MS. BEVERLY: Just want to make a record that this morning,
5 the State did file an amended indictment dismissing Count No. 6, which
6 is a discharging of a firearm. Also, taking out language in the counts
7 that said AK-47, because the gun in this case is an SKS. So that's -- I
8 don't believe there's any objection by either Mr. Hudson or Mr. Turner.

9 THE COURT: Any objection by defense counsel?

10 MS. MACHNICH: No objection from Mr. Turner.

11 MR. PLUMMER: No, Your Honor.

12 THE COURT: Thank you.

13 At this time, I'm going to bring in the potential jury panel.

14 MR. GIORDANI: Your Honor, I think your marshal just left to
15 go downstairs to get them, so they're not -- down the hall.

16 THE COURT: Thank you. Just have a seat until he returns.

17 [Pause in proceedings.]

18 [Prospective jury panel convened at 1:58 p.m.]

19 THE COURT: Please be seated. Good afternoon. This is
20 Case No. C-15-309578-1 and -2, Plaintiff, *State of Nevada versus*
21 *Defendants Steven Turner and Clemon Hudson*. The record will reflect
22 the presence of counsel for the State and the defendants and the
23 presence of the defendants.

24 Are the parties ready to proceed?

25 MS. BEVERLY: The State's ready, Your Honor.

1 MS. MACHNICH: Defense is ready, Your Honor.

2 MR. PLUMMER: That's fine.

3 THE COURT: Thank you.

4 Ladies and gentlemen, you are in Department 18 of the Eighth
5 Judicial District Court of the State of Nevada. My name is Mark Bailus. I
6 am the presiding judge.

7 You have been summoned here today to serve as possible
8 jurors in a criminal case alleging conspiracy to commit burglary, attempt
9 burglary while in possession of a firearm or a deadly weapon, attempt
10 murder with use of a deadly weapon, and battery with use of a deadly
11 weapon resulting in substantial bodily harm. This trial may take two
12 weeks.

13 In a few minutes, I'll give you a chance to talk about your
14 ability to serve as a juror in this case. But first, let me take this
15 opportunity and introduce the court staff.

16 Robin Page is the official court recorder and will be recording
17 everything that is said during the trial.

18 Alan Castle is the deputy court clerk who administers the
19 oaths to the witnesses, marks exhibits, keeps track of the evidence, and
20 prepares the official record.

21 Randy Stevenson is the marshal who maintains security and
22 will be the person to escort you to and from the courtroom. Also, if you
23 need to contact the Court for any reason when you are not sitting in
24 court, you should go through the marshal. During deliberations, the
25 marshal will look after you and maintain your privacy.

Anthony Rogerio is the law clerk who assists in legal matters. Shannon Fagan is my judicial assistant -- judicial executive assistant who will also be present from time to time and assist me with the various things during the course of the trial.

If you have a cell phone, now is the time to make sure that is turned off. While court is in session, you must not use any cell phones, smartphone, iPad, tablet, computer, or other portable electronic device capable of making or accepting calls or sending or receiving information.

During these proceedings, if you need to use the restroom, please raise your hand to let us know. We will, however, try to take a break at least every 90 minutes.

The clerk will now call the roll of the panel of potential jurors.

When your name is called, please answer present or here.

[Roll called.]

THE COURT: Is anyone here whose name was not called?

There was no response to that question. I'll proceed.

At this time, I will allow the attorneys to make brief remarks to the potential jurors. You may introduce yourselves, who you represent, the nature of the case, and potential witnesses.

Ladies and gentlemen, this is not the opening statements of the attorneys. This is just a little information about the parties in the case so you can better answer questions in the jury selection process.

Counsel for the State, you may proceed.

MS. BEVERLY: Thank you, Your Honor.

Good afternoon, everyone. My name is Leah Beverly, and

1 with me is going to be my co-counsel, Mr. John Giordani. We are both
2 chief deputy district attorneys with the Clark County's DA's office.

3 This week and into next week, we're going to be presenting
4 the case of State of Nevada vs. Clemon Hudson and Steven Turner.
5 This is a case that occurred on September the 4th of 2015 over on
6 Oveja Circle. The major cross streets are Alta, Westcliff, and Rainbow.

7 On that day the State has alleged that Mr. Hudson and
8 Mr. Turner went to the address of 6729 Oveja, went to the backyard of
9 that house with three different weapons, a shotgun, an SKS rifle, and a
10 handgun. They tried to break into that home. Officers were called by
11 the homeowners. At that point, the two defendants opened fire toward
12 the officers at that residence.

13 In our case in chief, we plan to call the following witnesses, so
14 please listen to these names if you know any of these people: Eric
15 Clarkson and Willoughby Grimaldi -- those are the homeowners -- crime
16 scene analyst Randy McPhail, Robbie Dahn and Stephanie Fletcher;
17 firearms expert Anya Lester; fingerprint analyst Gayle Johnson; DNA
18 analyst Kimberly Dannenberger; and the following members of the Las
19 Vegas Metropolitan Police Department: Thomas Keller, Malik
20 Grego-Smith, Mark Moses, Louis Russo, Jacob Henry, Joe Pannulo,
21 Craig Jex, Eduardo Pazos, Joshua Bitsko, Marc Colon, Jeremy
22 Robertson, Joseph Patton, Jeremy Vance, and Ryan Jaeger.

23 THE COURT: Thank you, counsel.

24 Counsel for the defendants, you may now address the
25 potential jurors.

1 MS. MACHNICH: Thank you -- thank you, Your Honor.

2 Good afternoon everybody. My name is Tegan Machnich, and
3 my co-counsel is Ashley Sisolak. And the two of us represent
4 Mr. Steven Turner, who has pled not guilty in this case.

5 Thank you for your service.

6 Oh -- and our potential witnesses, in addition to any and all
7 witnesses disclosed by the State of Nevada, are Bruce McAllister, Tony
8 Worthman, and Gayland Seaberry. Thank you.

9 MR. PLUMMER: Good afternoon, everyone. My name's Clay
10 Plummer and I am the attorney for Mr. Clemon Hudson, who has also
11 pled not guilty in this case.

12 Our potential witnesses include those disclosed by the State.

13 Thank you.

14 THE COURT: Thank you, counsel.

15 Ladies and gentlemen, we're about to commence examination
16 of potential jurors in this case. During this process, you will be asked
17 questions bearing on your ability to sit as fair and impartial jurors. The
18 Court, the lawyers, and all persons involved in this case are interested in
19 having this matter tried by a jury composed of 12 open-minded people
20 who are completely neutral, who have no bias or prejudice towards
21 either side.

22 In this trial, we also need two alternate jurors to listen to all of
23 the proceedings and be prepared to take over as -- as a juror in the
24 event a sitting juror is excused. In order to accomplish this, it is
25 necessary for me to ask some questions. The attorneys will then be

1 given the opportunity to ask questions. Although some of the questions
2 may at times seem quite personal, our only objective is to determine
3 whether there is any reason why any of you cannot sit as fair and
4 impartial jurors in this case.

5 If a question seems too personal to you, you can raise your
6 hand and ask us to talk to you privately. But understand that your
7 answers will have to be on the record.

8 It is very important that you give, full, complete, and honest
9 answers to all of the questions we are about to ask. I caution you not to
10 try to hide or withhold anything which might indicate bias or prejudice of
11 any sort by any of you. Should you fail to answer truthfully or if you hide
12 or withhold touching upon your qualifications, that fact may tend to
13 contaminate the verdict and subject you to further inquiry even after
14 you're discharged as jurors.

15 Your decision should be based upon ultimate evidence
16 presented during the trial and not based upon preconceived prejudice or
17 bias.

18 During this process of selecting a jury, the attorneys for both
19 sides will have the right to request that a particular person not serve as a
20 juror. These requests are called challenges. Please do not be offended
21 should you be excused by a challenge. This is simply part of the
22 process designed to protect the rights of the parties.

23 The questioning of potential jurors at the beginning of the case
24 is done under oath. But before the clerk issues the oath to you, I need
25 to know if any of you are not citizens of the United States or if any of you

1 are convicted felons whose civil rights have not been restored. To be
2 qualified to serve as a juror, one must be a citizen and not be a
3 convicted felon whose rights have not been restored. Please raise your
4 hand if you are not a citizen or if you are a convicted felon whose rights
5 have not been restored. The Court sees no hands raised. I will
6 proceed.

7 Will counsel agree and stipulate that I may have the entire
8 panel sworn at the same time to answer truthfully all questions
9 propounded to them as to their qualifications to serve as jurors so I
10 might ask questions collectively and so it won't be necessary to
11 administer the oath to each replacement?

12 MR. GIORDANI: Yes, Your Honor.

13 MR. PLUMMER: Yes, Your Honor.

14 MS. MACHNICH: Yes, Your Honor.

15 THE COURT: Thank you.

16 At this time, will you all stand, raise your right hands to be
17 sworn?

18 [Prospective jury panel sworn.]

19 THE COURT: Thank you. You may be seated.

20 Ladies and gentlemen, I now have some general questions to
21 help us in selecting the jury in this case. If I ask a question to the entire
22 group, please raise your hand if the question applies to you. I then will
23 follow up by asking you to identify your name and badge number. I may
24 also ask some questions to you individually.

25 Are any of you acquainted with any of the court personnel that

1 I have mentioned?

2 PROSPECTIVE JUROR NO. 052: Good afternoon,
3 Your Honor. My name is Cynthia Sauchak, C-Y-N-T-H-I-A, last name
4 spelled S-A-U-C-H-A-K.

5 I'm with -- I'm employed by the Metropolitan Police
6 Department in homicide sex crimes bureau. I know pretty much every
7 Metro person, CSI, and everyone that was listed as a personal witness,
8 one being my former sergeant.

9 THE COURT: And ma'am, what is your badge number?

10 PROSPECTIVE JUROR NO. 052: 4968.

11 THE COURT: And any other potential jurors, when you
12 speak, I just -- I'm sorry?

13 THE CLERK: That's not her badge number.

14 THE COURT: What's your badge number?

15 PROSPECTIVE JUROR NO. 052: Oh, I'm sorry. My juror
16 number -- I'm so used to my P number. It's 52, 5-2.

17 THE COURT: Thank you.

18 PROSPECTIVE JUROR NO. 052: Sorry.

19 THE COURT: When you answer a question, all I need is your
20 name and your badge number. You don't have to spell it for the record.
21 Thank you.

22 Any other responses to that question?

23 PROSPECTIVE JUROR NO. 044: Yes, Your Honor. Michael
24 Lamoureux, Badge 44.

25 I've been employed by Metro Police, LVMPD, for the last 31

1 years as an IT manager; and like the lady behind me, I know most of the
2 potential witness list. Not close personal friends, but I've had business
3 dealings over the years with all of them.

4 THE COURT: All right. Thank you, sir.

5 Anybody else?

6 PROSPECTIVE JUROR NO. 009: I'm a criminal defense
7 attorney, and I know Your Honor and some of the other people here
8 from working in the courthouse.

9 THE COURT: Thank you.

10 PROSPECTIVE JUROR NO. 009: And I'm Mariteresa
11 Rivera-Rogers, Badge No. 9.

12 PROSPECTIVE JUROR NO. 012: Hi. Egda Ramirez,
13 Badge No. 12. I know defense counsel and potential witnesses.

14 THE COURT: Thank you.

15 Are any of you acquainted with the prosecutors or the defense
16 attorneys or their law offices or their staff?

17 PROSPECTIVE JUROR NO. 012: Egda Ramirez,
18 Badge No. 12. I work with defense counsel.

19 THE COURT: Thank you.

20 Are any of you acquainted with the defendants?

21 Oh, I'm sorry, ma'am.

22 PROSPECTIVE JUROR NO. 052: Cynthia Sauchak,
23 Juror No. 52. I have had cases with both prosecution, Ms. Beverly and
24 Mr. Giordani.

25 THE COURT: Thank you.

1 Anyone else?

2 Are any of you acquainted with the defendants? The Court's
3 seeing no response to that question. I'm going to ask the next question.

4 Are any of you acquainted with the anticipated witnesses in
5 this case whose names were mentioned by the attorneys other than the
6 people who have already identified themselves? The Court's seeing no
7 response to that question.

8 Have any of you heard or read anything about this case before
9 coming to court today? Let the record reflect there is no response to
10 that question.

11 I'm sorry. I'm blocked out from that side, so --

12 PROSPECTIVE JUROR NO. 062: Kenneth Yamamoto, 62. I
13 am familiar with that case. I've read about it and heard about it at the
14 time.

15 THE COURT: Thank you.

16 THE COURT RECORDER: I didn't catch his badge number,
17 I'm sorry.

18 THE CLERK: 62.

19 THE COURT: What was your badge number, sir?

20 PROSPECTIVE JUROR NO. 062: 62.

21 THE COURT: Thank you.

22 Anyone else?

23 PROSPECTIVE JUROR NO. 051: Yes. Alejandro
24 Alvarez, Number 51. That's not far from my neighborhood. And I did
25 read about it lightly, but I'm aware of the case.

1 THE COURT: Thank you, sir.

2 Other -- does anyone know anything about this case other
3 than what has been stated in the courtroom today? Let the record
4 reflect the Court sees no response to that question.

5 Is there anyone who has such strong opinions relating to age,
6 religion, race, gender, or national origin that they would be -- that would
7 affect their ability to be open-minded, fair, and impartial jurors?

8 PROSPECTIVE JUROR NO. 007: My name is Rosalyn Willis,
9 Badge No. 7. Due to my religious beliefs and the scripture saying in
10 Matthew 7:1, Judge not that you be not judged, if there was tampered
11 evidence, if I ended up sending someone innocent to jail, that would kill
12 me. I mean, it wouldn't kill me, but it would hurt me really bad. I don't --
13 really, just my religious beliefs affects my judgment.

14 THE COURT: And because of your religious beliefs, you do
15 not think you can be open-minded, fair, and an impartial juror?

16 PROSPECTIVE JUROR NO. 007: Exactly.

17 THE COURT: Thank you, ma'am.

18 PROSPECTIVE JUROR NO. 051: Alejandro Alvarez,
19 Number 51. I am a retired military officer, a businessman here in town.
20 And I was raised in a highly African-American neighborhood.

21 And in my depth, I know that there have been incredible
22 injustices, economic and whatnot. And therefore I have a very difficult
23 time putting all that together in my mindset, because of the -- the long
24 history of inequities toward the African-American community.

25 PROSPECTIVE JUROR NO. 054: Hi. My name is Alexi

1 Irvine. My badge number is 54.

2 My spiritual beliefs -- I feel really uncomfortable being here.
3 And I used to live in that neighborhood, and I experienced something
4 similar; so I just don't feel comfortable.

5 THE COURT: And so because of your religious or spiritual
6 beliefs, you don't think you could be --

7 PROSPECTIVE JUROR NO. 054: The energy in this room is
8 very bad for me.

9 THE COURT: I'm sorry?

10 PROSPECTIVE JUROR NO. 054: The energy in this room is
11 very overwhelming and uncomfortable for me.

12 THE COURT: I apologize.

13 PROSPECTIVE JUROR NO. 054: That's okay.

14 THE COURT: I didn't hear the very end there. Could you
15 restate? I apologize.

16 PROSPECTIVE JUROR NO. 054: Sure. Yeah. It's just the
17 feeling of this room, the energy, and it doesn't feel good to me. So
18 spiritually, it doesn't feel good to me. It doesn't -- and I lived in -- over in
19 that area, and I've witnessed certain things. I saw someone get shot; so
20 I just don't feel comfortable.

21 THE COURT: Okay. Thank you.

22 PROSPECTIVE JUROR NO. 054: Yeah.

23 THE COURT: Is there anybody here that is seriously ill? Let
24 the record reflect no response to that question.

25 Is there anybody here who has difficulty hearing?

1 PROSPECTIVE JUROR NO. 059: James Roy, Badge No. 59.
2 I'm not deaf, but I did make cabinets for 15 years without ear protection.
3 And at times, I have a hard time understanding people unless I'm
4 looking directly at them.

5 THE COURT: Have you understood everything I've said
6 today?

7 PROSPECTIVE JUROR NO. 059: Some -- some portions
8 could have been said louder.

9 THE COURT: Okay. Where are the headsets?

10 Sir, I'm going to provide with you some headsets. Please let
11 me know if these are assistance to you in hearing. Thank you.

12 Is there anyone here who has difficulty understanding or
13 reading the English language?

14 MR. GIORDANI: Judge, I believe there is another one with
15 the headset.

16 THE COURT: I'm sorry.

17 MR. GIORDANI: The headset issues?

18 THE COURT: Is there another person that had trouble
19 hearing?

20 PROSPECTIVE JUROR NO. 001: In my left ear, but --

21 THE COURT: Sir --

22 PROSPECTIVE JUROR NO. 001: Sorry.

23 THE COURT: -- I need you that state your name and your --

24 PROSPECTIVE JUROR NO. 001: Sorry.

25 THE COURT: -- badge number. Thank you.

1 PROSPECTIVE JUROR NO. 001: Joe Arellano, Number 1. I
2 have difficulty hearing out of my left ear. I can hear fine out of my right;
3 so I just tilt my head --

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 001: -- to hear.

6 THE COURT: And you've been able to hear everything I have
7 said?

8 PROSPECTIVE JUROR NO. 001: Yes.

9 THE COURT: If for some reason you can cannot hear me of
10 any of the parties, please let me know, and we'll speak up. Thank you,
11 sir.

12 Anybody else?

13 PROSPECTIVE JUROR NO. 027: Hi. My name is Ana
14 Gomez, and I'm 27.

15 THE COURT: Can you not hear? I had asked the question,
16 then there was some -- I'm still on the question: Are you hearing
17 impaired?

18 PROSPECTIVE JUROR NO. 027: No. Just -- I want --

19 THE COURT: Okay. I'm going to ask that next question.

20 PROSPECTIVE JUROR NO. 027: I tell you, I no understand
21 English.

22 THE COURT: Okay. Hold on one second.

23 You're not hearing impaired; that is correct?

24 Anybody else?

25 PROSPECTIVE JUROR NO. 061: Hi. Richard Goennier,

1 Badge 61. I am wearing hearing aids here, and I can catch some things.
2 Some are loud, some are not loud. Maybe the head things would help.

3 THE COURT: Go next door and see if they -- they're dark.

4 [Pause in proceedings.]

5 THE COURT: Sir, my marshal is providing you with a
6 headset. Let me know if you're still having difficulty -- my marshal is
7 providing you with a headset. Please let me know if you're still having
8 difficulty hearing. Thank you.

9 Is there anyone who has difficulty understanding or reading
10 the English language?

11 PROSPECTIVE JUROR NO. 029: Sir, my name is Beatriz
12 Medina and my badge is 29. I'm not speak very well English. I
13 understand a little bit.

14 THE COURT: And, ma'am, what is your native language?

15 PROSPECTIVE JUROR NO. 029: Beatriz Medina.

16 THE COURT: No, no. What is your -- what is your first
17 language?

18 PROSPECTIVE JUROR NO. 029: Spanish.

19 THE COURT: And English is a second language?

20 PROSPECTIVE JUROR NO. 029: Uh-huh.

21 THE COURT: Is that a yes, ma'am? Is that a yes --

22 PROSPECTIVE JUROR NO. 029: Yes.

23 THE COURT: -- ma'am?

24 PROSPECTIVE JUROR NO. 029: Yes. Yes, ma'am.

25 THE COURT: And how long have you resided, and did --

1 when did you learn English? At what age did you learn English as a
2 second language?

3 PROSPECTIVE JUROR NO. 029: So -- well, my first
4 language, that is Spanish. My mom and my dad and my family, they're
5 Spanish. When we coming here, I went to the school not too much. So
6 I went to San Diego to the school.

7 THE COURT: Okay. How long have -- when is it that you first
8 learned English as your second language?

9 PROSPECTIVE JUROR NO. 029: Where is what? Sorry, sir.

10 THE COURT: When did -- you said your first language was
11 Spanish?

12 PROSPECTIVE JUROR NO. 029: My first language is
13 Spanish.

14 THE COURT: Okay. At what point in your life, what age, did
15 you learn English as a second language; do you recall?

16 PROSPECTIVE JUROR NO. 029: Excuse me, sir?

17 THE COURT: Do you understand the question I'm asking
18 you?

19 PROSPECTIVE JUROR NO. 029: Not too much, sir.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 029: Sorry about --

22 THE COURT: Do you work?

23 PROSPECTIVE JUROR NO. 029: No.

24 THE COURT: You don't work?

25 PROSPECTIVE JUROR NO. 029: No. Not yet.

1 THE COURT: Okay.

2 MR. GIORDANI: We would stipulate, Your Honor.

3 THE COURT: I'm sorry?

4 MR. GIORDANI: Oh, I thought you were looking at me. I'm

5 saying we would stipulate.

6 THE COURT: No. I'm watching my marshal. He was --

7 Is there anything else that you'd like to explain to me about

8 English being your second language?

9 UNIDENTIFIED JUROR: If you need a translator, sir, I can

10 translate.

11 PROSPECTIVE JUROR NO. 029: No. Sorry.

12 THE COURT: Thank you.

13 PROSPECTIVE JUROR NO. 027: My name is Ana Gomez.

14 I'm 27. I have the same problem as her. My first language is Spanish.

15 Sometimes I --

16 THE COURT: So your first language is Spanish; is that right?

17 PROSPECTIVE JUROR NO. 027: Yes.

18 THE COURT: And English is a second language?

19 PROSPECTIVE JUROR NO. 027: It is.

20 THE COURT: And when did you learn English?

21 PROSPECTIVE JUROR NO. 027: Huh?

22 THE COURT: When did you learn English?

23 PROSPECTIVE JUROR NO. 027: I try to learn every day, but

24 it's really difficult.

25 THE COURT: Okay. My question is how long -- when did you

1 learn English? Five years ago? 10 years ago? 15 years ago? When
2 did you learn it?

3 PROSPECTIVE JUROR NO. 027: Just in my work.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 027: I -- I --

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

7 PROSPECTIVE JUROR NO. 027: Huh?

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

9 PROSPECTIVE JUROR NO. 027: Sorry.

10 THE COURT: You didn't understand that question?

11 PROSPECTIVE JUROR NO. 027: No.

12 THE COURT: Okay. What do you do -- what do you -- what
13 is your job?

14 PROSPECTIVE JUROR NO. 027: Oh. I'm utility
15 houseperson in Wynn Hotel.

16 THE COURT: In where?

17 PROSPECTIVE JUROR NO. 027: In Wynn?

18 THE COURT: You're a houseperson?

19 PROSPECTIVE JUROR NO. 027: Yes.

20 THE COURT: Do you have to speak English for your job?

21 PROSPECTIVE JUROR NO. 027: Just a little bit.

22 THE COURT: Okay. Do you have to read anything for your
23 job?

24 PROSPECTIVE JUROR NO. 027: Yes. A little.

25 THE COURT: Okay. And what you read, is that in English?

1 PROSPECTIVE JUROR NO. 027: Just a little bit.
2 THE COURT: Just a little bit? Okay. Thank you.
3 Any other persons who's having difficulty understanding or
4 reading the English language?
5 PROSPECTIVE JUROR NO. 055: Hello. Tatyana McFadden,
6 Badge No. 55. I can speak English, but my writing is -- and reading is
7 horrible.
8 THE COURT: Okay. So you can speak English, but you have
9 difficulty reading English?
10 PROSPECTIVE JUROR NO. 055: I can read, but I don't -- I
11 don't can understand 100 percent.
12 THE COURT: Have you understood --
13 PROSPECTIVE JUROR NO. 055: If it's legal stuff --
14 THE COURT: Okay. Have you understood everything I've
15 said so far today?
16 PROSPECTIVE JUROR NO. 055: So far, yeah. 95 percent.
17 THE COURT: Okay. But you're -- you're concerned that you
18 won't understand some of the legal concepts?
19 PROSPECTIVE JUROR NO. 055: Yeah. Legal language.
20 THE COURT: I'm sorry, ma'am?
21 PROSPECTIVE JUROR NO. 055: Legal words.
22 THE COURT: Legal words?
23 PROSPECTIVE JUROR NO. 055: Language. Yeah.
24 THE COURT: Okay. Anything else you'd like to tell me,
25 ma'am?

1 PROSPECTIVE JUROR NO. 055: That's it.

2 THE COURT: All right. Thank you.

3 Ma'am, what was your badge number?

4 PROSPECTIVE JUROR NO. 055: 55.

5 THE COURT: What was it?

6 PROSPECTIVE JUROR NO. 055: 55.

7 MR. GIORDANI: 55.

8 PROSPECTIVE JUROR NO. 055: 5-5.

9 [Pause in proceedings.]

10 THE COURT: Is there anybody here who is sight impaired?

11 Court's seeing -- let the record reflect Court's seeing no
12 response to that question.

13 This case is expected to last approximately two weeks. The
14 Court may excuse you from serving if doing so would be an undue
15 hardship. Example of things that are undue hardships are: You live
16 paycheck to paycheck and can't afford to miss any time off work; you are
17 the sole healthcare provider of somebody who needs constant care; you
18 have sole custody of children under 16 and nobody to watch them; you
19 are a student who would miss several classes or tests; or you have
20 surgery scheduled that cannot be rescheduled.

21 Example of things that are not hardships include a doctor or
22 dentist appointment that can be rescheduled; your employer, your boss,
23 doesn't want you to serve here today or in the future; you have too much
24 work to do; things of that nature.

25 Please raise your hand if serving as a juror during that period

1 of time would present an extreme hardship for any of you.

2 PROSPECTIVE JUROR NO. 015: I'm Kent Hodgin, my
3 badge number is 015. I simply have a job that -- that puts a lot of
4 demands on me right now. I really need to be at work.

5 THE COURT: What's your job?

6 PROSPECTIVE JUROR NO. 015: I'm a designer.

7 THE COURT: And where are you employed?

8 PROSPECTIVE JUROR NO. 015: GES.

9 THE COURT: And you just have too much work and you
10 need to be there?

11 PROSPECTIVE JUROR NO. 015: It's a very deadline-driven
12 occupation.

13 THE COURT: Do you have any deadlines due this week?

14 PROSPECTIVE JUROR NO. 015: Not this week.

15 THE COURT: How about next week?

16 PROSPECTIVE JUROR NO. 015: Next week, yes.

17 THE COURT: Okay. And many days, we're only going to be
18 in session half days; so you'll be aware of that. Some days, we'll only
19 start -- we'll start at 1:00. Other days, probably the earliest we'll start
20 is 11:00.

21 PROSPECTIVE JUROR NO. 015: Okay.

22 THE COURT: So you could attend your job at least part days;
23 do you understand that, sir?

24 PROSPECTIVE JUROR NO. 015: Yes, sir.

25 THE COURT: All right. Thank you.

1 PROSPECTIVE JUROR NO. 015: Thank you.

2 THE COURT: Anybody else?

3 PROSPECTIVE JUROR NO. 010: Good afternoon. My name

4 is Roxana, my badge number is 10. I'm a student and a full -- a

5 part-time -- I have a part-time job. I have four weeks to go to extern; so

6 I'm studying for my final test. I have quiz every Thursdays. So it's really

7 hard for me to miss a day. Today I missed just two hours.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 010: But --

10 THE COURT: And where are you -- I'm sorry.

11 PROSPECTIVE JUROR NO. 010: I'm sorry. Go ahead.

12 THE COURT: No, go ahead.

13 PROSPECTIVE JUROR NO. 010: Oh. Well, that was all.

14 THE COURT: Okay. Where are you a student at?

15 PROSPECTIVE JUROR NO. 010: Carrington College. I'm

16 going to be a dental assisting.

17 THE COURT: Okay. And you said you have quizzes every

18 Thursday?

19 PROSPECTIVE JUROR NO. 010: Yes.

20 THE COURT: And when is your final exams?

21 PROSPECTIVE JUROR NO. 010: My final exam's going to

22 be in four weeks. But every Monday, Tuesday, and Wednesdays, we

23 review for the test, for the quiz on Thursday, and for our final test.

24 THE COURT: All right. Anything else you'd like to tell us?

25 PROSPECTIVE JUROR NO. 010: That would be all.

1 THE COURT: All right. Thank you.

2 PROSPECTIVE JUROR NO. 010: Thank you.

3 THE COURT: Anybody else?

4 PROSPECTIVE JUROR NO. 019: Hi. Chelsea Shaw,
5 Badge No. 19. I'm in a case of my own. I was in a car accident, and I
6 have multiple doctors' appointments I have to go to each week. And
7 then I have a spine surgery coming up that is not yet scheduled, but it's
8 supposed to be pretty soon.

9 THE COURT: I apologize. I didn't hear the very end of that.

10 PROSPECTIVE JUROR NO. 019: I have a spine surgery
11 that's supposed to be coming up that is not yet scheduled, but it's
12 supposed to be pretty soon.

13 THE COURT: Within the next two weeks?

14 PROSPECTIVE JUROR NO. 019: I'm not sure yet. I talked to
15 my spine doctor on April 2nd, and I'm waiting for my attorneys to get
16 back to me.

17 THE COURT: Okay. And you said you had doctors'
18 appointments?

19 PROSPECTIVE JUROR NO. 019: Yeah. I have to see my
20 chiropractor two times a week.

21 THE COURT: Okay. And same thing I told the gentleman,
22 many days, we're going to start at 1:00.

23 PROSPECTIVE JUROR NO. 019: Uh-huh.

24 THE COURT: And then other days, we're going to probably --
25 the earliest we'll start is 11:00.

1 PROSPECTIVE JUROR NO. 019: Uh-huh.

2 THE COURT: So you have an appointment schedule already

3 in place?

4 PROSPECTIVE JUROR NO. 019: One for tomorrow, and

5 then one for Wednesday, and one next Wednesday.

6 THE COURT: And when are those appointments?

7 PROSPECTIVE JUROR NO. 019: They tell me the day of.

8 It's between 5:00 and 6:00 usually.

9 THE COURT: 5:00 or 6:00 in the evening?

10 PROSPECTIVE JUROR NO. 019: Uh-huh. Because I work.

11 THE COURT: Okay. And we'll be done by 5:00 --

12 PROSPECTIVE JUROR NO. 019: Okay.

13 THE COURT: Just so you're aware of that.

14 PROSPECTIVE JUROR NO. 019: Okay.

15 THE COURT: Okay? Thank you.

16 PROSPECTIVE JUROR NO. 019: And then I'm also the sole

17 provider for my daughter. I pick her up every day at lunch to bring her

18 home from school.

19 THE COURT: Okay. And what -- and what -- how old is your

20 daughter?

21 PROSPECTIVE JUROR NO. 019: She turns 10 this year.

22 She's 9 right now.

23 THE COURT: Okay. And when you pick her up at lunch,

24 does -- you leave with her somebody at your house?

25 PROSPECTIVE JUROR NO. 019: My dad, who is disabled

1 and cannot drive, yeah.

2 THE COURT: Okay. And how far away is your daughter's
3 school? Because we take lunch breaks usually around 12:00, 12:30.

4 PROSPECTIVE JUROR NO. 019: She gets out at school
5 currently at 2:00, and I pick her up from the bus from 2:30. I take a late
6 lunch at work, and then I drop her off on my dad. I can make that in 30
7 minutes from my -- my job to pick her up.

8 THE COURT: And your dad couldn't pick her up? And your
9 dad --

10 PROSPECTIVE JUROR NO. 019: No, he had --

11 THE COURT: -- couldn't pick her up?

12 PROSPECTIVE JUROR NO. 019: He has -- he's had
13 seizures, so he doesn't have a license.

14 THE COURT: Okay. Anything else, ma'am?

15 PROSPECTIVE JUROR NO. 019: No, that's it. Thank you.

16 PROSPECTIVE JUROR NO. 006: Good afternoon. My name
17 is Matthew Stoldal, I'm Number 6. My line of work, I'm a solution
18 architect and a project manager. Right now is a very stressful R&D
19 period we are doing for a government contract. Unfortunately, I can't go
20 in general public into more of what that contract is.

21 And I also am under a deadline of getting sort of clearance for
22 that particular contract. I may ask for an extension, but traditionally, they
23 don't grant a long extension. So a project of -- or not a project, but a
24 case of two weeks may be putting me in some potential problems of
25 being compliant with this project.

1 THE COURT: All right. Thank you, sir.

2 Anybody else in this section?

3 Wait. I'm sorry, but I thought I saw two hands.

4 PROSPECTIVE JUROR NO. 022: Good afternoon. My name
5 is Cora Aspecto, Badge No. 22. I'm a certified nursing assistant, and I'm
6 taking care of an elderly uncle at home right now. He's 72 years old,
7 had a stroke last -- and due for a knee replacement.

8 THE COURT: And has that surgery been scheduled yet?

9 PROSPECTIVE JUROR NO. 022: I'm still gathering it with my
10 surgeon. I just had one last year too, my left.

11 THE COURT: Okay. But the surgery itself has not been
12 scheduled yet?

13 PROSPECTIVE JUROR NO. 022: Not yet. Because we're
14 still waiting for the Medicare approval.

15 THE COURT: All right. And as to the elderly person you're
16 taking care of, is there somebody else that's assisting you in taking care
17 of that person?

18 PROSPECTIVE JUROR NO. 022: Yeah. He's -- he lives with
19 me.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 022: He's my uncle.

22 THE COURT: And does he require constant care or do you
23 regularly leave?

24 PROSPECTIVE JUROR NO. 022: Yes. He barely shave
25 himself anymore. He just stays out -- stays in bed and have to wake him

1 up just to eat.

2 THE COURT: Okay. And what does he have? Just -- just
3 elderly?

4 PROSPECTIVE JUROR NO. 022: I'm sorry?

5 THE COURT: Does he have any diagnosis?

6 PROSPECTIVE JUROR NO. 022: He had a stroke. And then
7 first he had a spinal surgery. And during the surgery, he had a stroke.
8 He is not even aware of it. So his left hand is more, like, weak and can
9 barely walk.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 022: Just two weeks ago, he
12 fell. He -- his walker slipped and slide, because it has the four wheels.
13 And he did lock, I think he just sat on it and just fell. He broke his head,
14 had stitches at UMC, and --

15 THE COURT: Okay. So you're a constant caregiver?

16 PROSPECTIVE JUROR NO. 022: Yes.

17 THE COURT: All right. Thank you.

18 PROSPECTIVE JUROR NO. 022: Thank you.

19 THE COURT: Anybody else?

20 PROSPECTIVE JUROR NO. 011: Hi. Good afternoon. My
21 name is Kristi Feldman, I'm Number 11. I have a general question: I
22 have airfare booked to San Francisco on the 27th. So I don't know if
23 that's an excuse or not.

24 THE COURT: Airfare for vacation?

25 PROSPECTIVE JUROR NO. 011: It is a vacation. It's been

1 booked for some time.

2 THE COURT: Okay. And -- all right. And is it refundable or
3 not refundable?

4 PROSPECTIVE JUROR NO. 011: It's -- it's refundable. I
5 mean, it's Southwest. So.

6 THE COURT: Okay. All right. Thank you, ma'am.

7 PROSPECTIVE JUROR NO. 011: Thank you.

8 PROSPECTIVE JUROR NO. 046: Good afternoon. Sehymus
9 Baloglu, Badge No. 46. I'm a professor. I'm teaching three classes.
10 And tomorrow morning, I have a nonrefundable ticket to -- for a
11 conference in Seattle. I have nonrefundable registration, nonrefundable
12 hotel, and I'm flying tomorrow morning -- I was supposed to fly tomorrow
13 morning.

14 THE COURT: Okay. So you have a conference in Seattle?

15 PROSPECTIVE JUROR NO. 046: Yes. I'm on the advisory
16 board, and also taking a student, yes --

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 046: -- to the conference in
19 Seattle.

20 THE COURT: And what kind of conference is it?

21 PROSPECTIVE JUROR NO. 046: It's a travel and tourism --
22 artificial intelligence, and robotics in hospitality industry.

23 THE COURT: Okay. And where are you a professor at?

24 PROSPECTIVE JUROR NO. 046: UNLV Hotel College.

25 THE COURT: And this is related to your -- your position --

1 PROSPECTIVE JUROR NO. 046: For an evaluation, my --
2 yes.

3 THE COURT: Okay. And how long is the conference?

4 PROSPECTIVE JUROR NO. 046: Conference, three days
5 until Friday. Actually, it's going to end Saturday, but I'm going to return
6 on Friday night.

7 THE COURT: All right. Anything else you'd like to tell me?

8 PROSPECTIVE JUROR NO. 046: Other than the classes I
9 teach, two weeks, that's --

10 THE COURT: Yeah. On the conference, is this something
11 you're required to attend as part of your professorship at UNLV?

12 PROSPECTIVE JUROR NO. 046: Yes. Yes, I must attend
13 this conference.

14 THE COURT: Are you required to attend it, though?

15 PROSPECTIVE JUROR NO. 046: Yeah, but I have -- well, if
16 I -- chance I may call, you know, the board, I can say, I'm not -- I can't --
17 I won't be able to come. I can share it, but I have nonrefundable -- you
18 know, it says it on the tickets and registration and hotel already.

19 THE COURT: Okay. And so you're representing to me you
20 have nonrefundable -- refundable airline tickets?

21 PROSPECTIVE JUROR NO. 046: Yes, yes. Right here, I
22 mean, not --

23 THE COURT: No, I'm just trying to make a record.

24 PROSPECTIVE JUROR NO. 046: Oh, okay.

25 THE COURT: All right. And you said your hotel is

1 nonrefundable?

2 PROSPECTIVE JUROR NO. 046: Yes. Hotel, already paid.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 046: I can show you. It says
5 nonrefundable. Yeah.

6 THE COURT: I'm sorry, I didn't hear you.

7 PROSPECTIVE JUROR NO. 046: I can bring the receipts -- I
8 mean, the documents, if it's --

9 THE COURT: Is there anything else you'd like to tell me?

10 PROSPECTIVE JUROR NO. 046: Other than that, I'm
11 teaching classes. It's towards the end of the semester. Grading. I am
12 on master thesis committees, dissertation committees. This is towards
13 the end. And then in two weeks, we'll be done and then exams will start.
14 So I need to prepare.

15 THE COURT: All right. Thank you, sir.

16 PROSPECTIVE JUROR NO. 046: Thank you.

17 PROSPECTIVE JUROR NO. 054: Hi. Alexi Irvine, Badge 54.
18 I live paycheck to paycheck. I cannot afford to miss any amount of work.
19 I don't feel comfortable saying out loud what I do in court because I'm
20 not allowed to, according to my contract.

21 THE COURT: All right. Why don't you approach the bench
22 then.

23 PROSPECTIVE JUROR NO. 054: Absolutely. I'm sorry. I've
24 never been here, so --

25 THE COURT: That's okay.

1 [Bench conference transcribed as follows:]
2 PROSPECTIVE JUROR NO. 054: Hi.
3 THE COURT: Hold on one second.
4 PROSPECTIVE JUROR NO. 054: Sure.
5 THE COURT: We just need the attorneys.
6 PROSPECTIVE JUROR NO. 054: Absolutely.
7 THE COURT RECORDER: What is your badge number?
8 PROSPECTIVE JUROR NO. 054: 54.
9 THE COURT RECORDER: Thank you.
10 THE COURT: Okay. There's a microphone right in front of
11 you.
12 PROSPECTIVE JUROR NO. 054: Sure.
13 THE COURT: So you can speak low. Can you hear me
14 okay?
15 PROSPECTIVE JUROR NO. 054: Yeah.
16 THE COURT: What is it that you do?
17 PROSPECTIVE JUROR NO. 054: I dance for Donny and
18 Marie Osmond. And next week, I am independent contractor, and I'm
19 booked for a industrial gig at the Caesar's Coliseum, where I'm going to
20 be making over a thousand dollars. So I dance for Donny and Marie, but
21 when they're dark, I have no work. So this week I have no work, so I
22 have no money. But next week I'm making up for it by working double.
23 Does that make sense? Okay. Sorry.
24 THE COURT: Okay. All right. And did everybody hear that?
25 PROSPECTIVE JUROR NO. 054: Sorry, guys.

1 MS. MACHNICH: Thank you, Your Honor.

2 THE COURT: Thank you.

3 PROSPECTIVE JUROR NO. 054: Thank you.

4 [End of bench conference.]

5 THE COURT: Sir, can you hear me?

6 PROSPECTIVE JUROR NO. 059: James Roy, Badge 59. I
7 also -- I understand this is going to last a week, and I have two weeks I
8 also have airfare paid for for May the 21st. I know that's a ways out, but
9 I'd just like to state that.

10 THE COURT: All right. And is it refundable or
11 nonrefundable?

12 PROSPECTIVE JUROR NO. 059: It's probably refundable.

13 THE COURT: All right. Thank you, sir.

14 PROSPECTIVE JUROR NO. 053: Hi. I'm Diane Diarchangel.
15 I'm Badge No. 53. I'm a special education teacher in a self-contained
16 program. My students have disabilities ranging from autism to traumatic
17 brain injury and emotional disturbance, and it would be very disruptive to
18 their routines and their behaviors if I were absent for two weeks.

19 THE COURT: And how often -- I apologize. I didn't fully
20 understand. So what is it that you do for a living?

21 PROSPECTIVE JUROR NO. 053: I'm a self-contained
22 special education teacher.

23 THE COURT: And I apologize, I don't know what
24 self-contained means.

25 PROSPECTIVE JUROR NO. 053: Self-contained means that

1 my students are not quite ready for general education classes, so they're
2 with me for five periods a day.

3 THE COURT: And is this at a school or at home or --

4 PROSPECTIVE JUROR NO. 053: It's a school. It's at Orr
5 Middle School.

6 THE COURT: Okay. All right. And so these are children that
7 you're with for five periods during the day?

8 PROSPECTIVE JUROR NO. 053: Yes.

9 THE COURT: And it would be disruptive to those children if --
10 again, I apologize, but is this a Monday through Friday?

11 PROSPECTIVE JUROR NO. 053: Yeah. It's Monday through
12 Friday. They all -- several of them have behavior plans and behavior
13 issues going on, and it would disrupt their routine a lot to have a
14 substitute for that many days.

15 THE COURT: Okay. And that was going to be my next
16 question: Is there anybody that can substitute for you while you're
17 gone?

18 Again, just so you know, we're going to have many days
19 where we're only -- where we're going to start at 1:00 and then some
20 days where we're going to start at 11:00; does that make any difference
21 as to what -- to what you're telling me?

22 PROSPECTIVE JUROR NO. 053: It would be better than my
23 not being there at all. But my students are kind of used to a regular
24 routine. Even today just my being not there is disruptive to them.
25 Several of my students have extreme behaviors and it's difficult for them

1 to manage with a sub who doesn't know them very well.

2 THE COURT: Anything else you'd like to tell us, ma'am?

3 PROSPECTIVE JUROR NO. 053: That's all.

4 THE COURT: All right, thank you.

5 PROSPECTIVE JUROR NO. 053: Thank you.

6 PROSPECTIVE JUROR NO. 051: Alejandro Alvarez, 51. I
7 have an aunt that had breast cancer surgery in Monterrey, Mexico, and I
8 already have my tickets to go there and come back. I'd be leaving
9 Wednesday and coming back on the 29th. If there's any way I can --

10 THE COURT: Okay. And this is to visit your aunt?

11 PROSPECTIVE JUROR NO. 051: Yes. Yes, my aunt.

12 THE COURT: And she lives in Mexico?

13 PROSPECTIVE JUROR NO. 051: She is from -- yes. My
14 ancestry is from Mexico and Texas both.

15 THE COURT: Okay. Well, I'm just trying to make a record, so
16 make sure it's clear.

17 PROSPECTIVE JUROR NO. 051: Yes.

18 THE COURT: And so you're visiting your aunt who lives in
19 Mexico, and you've purchased tickets; is that correct?

20 PROSPECTIVE JUROR NO. 051: I purchased tickets.

21 THE COURT: Okay. Are the tickets refundable or
22 nonrefundable?

23 PROSPECTIVE JUROR NO. 051: On the way there, not,
24 from Las Vegas to McAllen, Texas. And then I drive across the border.
25 But then on the way back, it is -- I can exchange or refund or whatever.

1 THE COURT: Okay. Can you transfer the tickets to a
2 different date?

3 PROSPECTIVE JUROR NO. 051: No, I cannot transfer it.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 051: Note -- not on the way
6 there, Wednesday morning.

7 THE COURT: Okay. And what is the airline that you have on
8 the way there?

9 PROSPECTIVE JUROR NO. 051: Pardon?

10 THE COURT: What is the airline that you have --

11 PROSPECTIVE JUROR NO. 051: Oh. The airline is
12 Allegiant --

13 THE COURT: Allegiant?

14 PROSPECTIVE JUROR NO. 051: -- to McAllen, Texas.

15 THE COURT: Okay. And you leave Wednesday; is that --

16 PROSPECTIVE JUROR NO. 051: Wednesday at 7:00 in the
17 morning.

18 THE COURT: All right. Anything else, sir?

19 PROSPECTIVE JUROR NO. 051: That's it.

20 THE COURT: All right. Thank you.

21 PROSPECTIVE JUROR NO. 051: Thank you.

22 PROSPECTIVE JUROR NO. 050: My name is Kyeina
23 Jackson, and my badge number is 50. I can't afford to miss two weeks
24 of work, because I'm the sole provider for my children. I'm a single
25 parent, so I can't afford to miss work.

1 THE COURT: And, ma'am, what do you do for a living?
2 PROSPECTIVE JUROR NO. 050: I count money in a casino.
3 THE COURT: Okay. And --
4 PROSPECTIVE JUROR NO. 050: I work graveyard. So I
5 work all night, half the morning.
6 THE COURT: I'm sorry. I didn't hear you.
7 PROSPECTIVE JUROR NO. 050: I said I work graveyard, so
8 I work all night, half the morning.
9 THE COURT: Okay. And when do you get off work?
10 PROSPECTIVE JUROR NO. 050: It depends. Sometimes I
11 can get off at 11:00. Sometimes I can get off at noon.
12 THE COURT: And when do you go into work?
13 PROSPECTIVE JUROR NO. 050: I go in at 2:30 in the
14 morning.
15 THE COURT: Okay. And you're advising that you are the
16 sole supporter of your family; is that correct?
17 PROSPECTIVE JUROR NO. 050: Yes.
18 THE COURT: And missing work, you --
19 PROSPECTIVE JUROR NO. 050: I cannot do. I can't --
20 THE COURT: You literally live paycheck to paycheck?
21 PROSPECTIVE JUROR NO. 050: Yes.
22 THE COURT: Okay. Is there anything else that you'd like to
23 tell us?
24 PROSPECTIVE JUROR NO. 050: No, there isn't.
25 THE COURT: All right. Thank you, ma'am.

1 PROSPECTIVE JUROR NO. 032: Sir, my name is Fateh Jat,
2 and my badge number is 32. Sir, I have to take care of my kids four
3 days, but I'm kind of single dad. Through Monday to Thursday, they are
4 with me full time, and I will drop them school and pick them up too.

5 And also I have to work too. You know, I'm cab driver, so I
6 work three, four days. So I'm Uber and cab. So I live on paycheck to
7 paycheck too.

8 THE COURT: All right. Anything else you'd like to tell me,
9 sir?

10 PROSPECTIVE JUROR NO. 032: And that would be all, sir.

11 THE COURT: All right. Thank you.

12 Sir, could you -- sir, could you repeat what -- what you just
13 said? We're having -- put it a little bit closer to your mouth.

14 PROSPECTIVE JUROR NO. 032: Oh. Sir, I'm a dad. You
15 know, I have to take care of my kids for four days. I have full custody for
16 four days, Monday through Thursday. And I have to work too. You
17 know, I live paycheck to paycheck. I have to take care of them.

18 THE COURT: And how old are you children again?

19 PROSPECTIVE JUROR NO. 032: Five years old is pre-K and
20 other one is fifth grade, 10 years old.

21 THE COURT: And you're the only person that can take care
22 of the children?

23 PROSPECTIVE JUROR NO. 032: Yes, sir.

24 THE COURT: And this is four days a week?

25 PROSPECTIVE JUROR NO. 032: Four days a week, sir.

1 THE COURT: Okay. Thank you, sir.

2 PROSPECTIVE JUROR NO. 032: Thank you, sir.

3 THE COURT: Anybody else?

4 PROSPECTIVE JUROR NO. 035: Hi. My name is Alecia

5 Savage, and my number is 35. I'm just saying I have a trip planned for

6 April 25th through the 30th.

7 THE COURT: And where are you going?

8 PROSPECTIVE JUROR NO. 035: To Portland, Oregon.

9 THE COURT: And are the tickets refundable or

10 nonrefundable?

11 PROSPECTIVE JUROR NO. 035: They're refundable.

12 THE COURT: Okay. And what was the dates again, ma'am?

13 PROSPECTIVE JUROR NO. 035: April 25th to the 30th.

14 THE COURT: All right. Thank you, ma'am.

15 Anybody else?

16 PROSPECTIVE JUROR NO. 047: Joann Edgar, Number 47.

17 I also have a trip planned, leaving this Wednesday, coming back

18 Monday. And I'm so happy to serve, because I never have. It is with

19 Southwest; so it is refundable.

20 THE COURT: Thank you, ma'am. And, ma'am, is it a

21 vacation?

22 PROSPECTIVE JUROR NO. 047: It's my best friend's -- her

23 son's wedding.

24 THE COURT: All right. All right. Thank you, ma'am.

25 And I thought I saw somebody in the box. Is there anybody

1 else in the audience?

2 PROSPECTIVE JUROR NO. 002: My name is Ilanit Saxe, I'm
3 Number 2. May 16 I'm leaving to New York. My daughter is having a
4 graduation from college. So I don't know if it's going to last that long,
5 but --

6 THE COURT: And you're leaving May 16th?

7 PROSPECTIVE JUROR NO. 002: Yes.

8 THE COURT: Okay. And -- and it's because of your
9 daughter's graduation from college?

10 PROSPECTIVE JUROR NO. 002: Yes.

11 THE COURT: All right. Thank you, ma'am.

12 Is there anybody else?

13 PROSPECTIVE JUROR NO. 006: Just an addendum to what
14 I -- earlier before. If we're --

15 THE COURT: Okay. You need to restate --

16 PROSPECTIVE JUROR NO. 006: Oh, sorry. My --

17 THE COURT: Hold on one second. Restate your name and
18 your badge number.

19 PROSPECTIVE JUROR NO. 006: My name is Matthew
20 Stoldal, Badge No. 6. Just an addendum to earlier, I am going out of the
21 country on May 16th. I'll be gone for 10 days. Multiple flights.
22 Everything is more or less locked in stone. There is several other
23 people I'm traveling with, so it would no be movable at all.

24 THE COURT: All right. Thank you, sir.

25 PROSPECTIVE JUROR NO. 019: Chelsea Shaw,

1 Badge No. 19. I would have said it earlier. I didn't know we were we
2 were doing trips. I have a trip to Seattle on the 19th. It is not for work. I
3 come back Monday afternoon. Flights and hotel is refundable, but the
4 stuff while I'm there that's already booked is not refundable.

5 THE COURT: Okay. And you said the 19th. The 19th of
6 which month?

7 PROSPECTIVE JUROR NO. 019: Oh, no. My badge number
8 is 19.

9 THE COURT: Oh. When --

10 PROSPECTIVE JUROR NO. 019: I leave Thursday, and I
11 come back Monday. I don't know what dates that is.

12 THE COURT: Thursday this week?

13 PROSPECTIVE JUROR NO. 019: Yeah. This week and I
14 come back -- oh, it is the 19th -- the 19th, and I come back Monday.

15 THE COURT: Okay. And what is not refundable?

16 PROSPECTIVE JUROR NO. 019: There's a wine tasting and
17 a trip to Canada.

18 THE COURT: Okay. All right. Thank you, ma'am.

19 PROSPECTIVE JUROR NO. 019: Thank you.

20 THE COURT: All right. I'll ask you some additional questions.
21 Is there anybody else with extreme hardships you'd like to tell
22 us? It's always a lot of response to that question, I'll be honest with you.

23 Under our system, certain basic principles of law apply in
24 every criminal trial. They are that the defendant is presumed innocent
25 and that the State has the burden of proving beyond a reasonable doubt

1 that the defendant is guilty.

2 Does anyone not believe in these basic principles of American
3 justice? Let the record reflect Court sees no response to that question.

4 There's one more thing I need to mention to everybody as a
5 group: Under the law, if you're selected to serve as a juror, you will be
6 required to decide the facts of the case. In making your decision,
7 however, you must be guided by the laws applied to the facts. It would
8 be my duty to instruct you on what the law is.

9 So my question to all of you is this: Is there anybody who will
10 not be able to follow a law if you believe the law should be different than
11 what I tell you? Court's seeing no response to that question.

12 At this time, we're going to take our afternoon break. I have to
13 read an admonishment to you.

14 During this recess you are admonished not to talk or converse
15 among yourselves or with anyone else on any subject connected with
16 this trial or read, watch, or listen to any report of or commentary on the
17 trial or any person connected with this trial by any medium of
18 information, including, without limitation, newspapers, television, radio,
19 or Internet, or form or express any opinion on any subject connected
20 with the trial until the case is finally submitted to you.

21 Probably be in recess about 15, 20 minutes. So at this time,
22 we're going to take our afternoon recess.

23 [Prospective jury panel recessed at 2:52 p.m.]

24 THE COURT: Let the record reflect the panel of potential
25 jurors is not present in the courtroom.

1 Counsel, I was going to give you a few minutes to review your
2 notes and just confer. I was going to take a five-minute break, and then
3 at that time, we'll address the extreme hardships.

4 MR. GIORDANI: Yes, Your Honor. I gave defense counsel a
5 list of all the people we'd be willing to stip to; so we're working on that
6 now.

7 THE COURT: All right. Thank you, counsel.

8 MR. PLUMMER: Judge, Juror 68 just came up to me and said
9 she doesn't even understand enough English to answer the question,
10 that she couldn't understand English.

11 MR. GIORDANI: 68?

12 MR. PLUMMER: Yes.

13 MS. MACHNICH: Yeah. I gathered that based upon her
14 communication with the other juror.

15 THE COURT: All right. Let me know when Counsel are
16 ready.

17 MS. MACHNICH: Thank you, Your Honor.

18 [Court recessed at 2:54 p.m., until 3:06 p.m.]

19 [Outside the presence of the prospective jury panel.]

20 THE COURT: We're back on the record. Let the -- we need
21 the defendants.

22 MS. SISOLAK: Your Honor, if I may approach, we have a list
23 for you. Both sides -- all three parties agree to dismiss those. Thank
24 you, Your Honor.

25 THE COURT: Thank you, counsel.

1 Just so you know, counsel, I asked for extra jurors.

2 MS. SISOLAK: Thank you. We're going to need them at this
3 rate.

4 THE COURT: All right. This is the continuation of *State of*
5 *Nevada vs. Steven Turner, Clemon Hudson*, Case No. C-15-309578-1
6 and -2.

7 Let the record reflect presence of counsel for the parties, the
8 defendants, and we're outside the presence of the potential jury panel.

9 Have counsel had an opportunity to confer regarding jurors to
10 be dismissed and extreme hardships?

11 MS. MACHNICH: Yes, Your Honor.

12 MR. GIORDANI: Yes, Your Honor.

13 MR. PLUMMER: Yes, Your Honor.

14 THE COURT: Okay. Is there -- you provided me with a list of
15 jurors that are agreed upon; is that correct?

16 MR. PLUMMER: Correct, Your Honor.

17 MR. GIORDANI: Correct, Your Honor.

18 MS. MACHNICH: Correct.

19 THE COURT: Is there any that are not agreed upon that you
20 want argument?

21 MR. GIORDANI: Yes, Your Honor.

22 MS. MACHNICH: Yes.

23 MR. GIORDANI: With regard to Badge No. 7, Ms. Willis, the
24 State would move to strike her for cause already based upon her
25 statements to Your Honor about --

1 THE COURT: Okay. Counsel, we're not going to do it for
2 cause yet. This is just extreme hardship.

3 MR. GIORDANI: Okay.

4 THE COURT: Because there's additional questions I ask for
5 cause questions.

6 MR. GIORDANI: Okay.

7 THE COURT: So at this point, we're just going to do extreme
8 hardships.

9 You will -- just so you're aware, you will get your opportunity to
10 challenge for cause, but it'll be later in the proceedings.

11 MR. GIORDANI: Understood.

12 THE COURT: Thank you.

13 Any other potential jurors that you want to strike as an
14 extreme hardship?

15 MR. GIORDANI: No.

16 THE COURT: Thank you, Counsel.

17 MS. MACHNICH: Your Honor, the only other one we would
18 like to address potentially outside the presence is Mr. Yamamoto,
19 Badge No. 62. It's not hardship. It's knowing about the case outside the
20 courtroom, and I think the parties are inclined to request more
21 information from him to make sure --

22 THE COURT: Okay. But again, counsel, there's additional
23 questions I ask for cause. And then I give both counsel for both the
24 prosecution and the defense the opportunity to ask follow-up questions
25 at that point. So you'll to have the opportunity to inquire along those

1 lines. This is just extreme hardship.

2 MS. MACHNICH: Okay. And we would just, for the future,
3 request that he be questioned outside the presence, since it's a question
4 of media.

5 THE COURT: And we can do that.

6 MS. MACHNICH: Thank you.

7 THE COURT: Thank you, counsel. And just as a clarification,
8 do you want to do it outside the presence or just at -- at the bench? In
9 other words, are you requesting that I excuse the entire jury panel and
10 have them questioned that way, or just at the bench?

11 MS. MACHNICH: Either way is absolutely fine with us. Just
12 so he's not potentially tainting the panel.

13 THE COURT: Okay. Thank you, counsel.

14 MR. GIORDANI: The bench would work with the State.

15 THE COURT: Okay. So those are the only ones -- those --
16 the list that you -- shucks. There is no additional potential jurors that
17 either side is requesting be struck as an extreme hardship?

18 MR. GIORDANI: No, Your Honor.

19 MS. MACHNICH: No, Your Honor.

20 MR. PLUMMER: No, Your Honor.

21 THE COURT: Thank you. We'll be in recess for a few
22 minutes.

23 MS. MACHNICH: Thank you, Your Honor.

24 [Court recessed at 3:10 p.m., until 3:14 p.m.]

25 [Outside the presence of the prospective jury panel.]

1 THE COURT: Do you have a copy of the list you provided
2 me?

3 MS. MACHNICH: I -- there -- we do, Your Honor.

4 MS. SISOLAK: Yes.

5 MR. GIORDANI: Yes.

6 THE COURT: Because I can give you your sheet.

7 MS. MACHNICH: Okay. Feel free to keep it as a souvenir.

8 THE COURT: All right. Back on the record in *State of*
9 *Nevada vs. Steven Turner, Clemon Hudson*, Case No. C-15-309578-1
10 and -2. Let the record reflect the presence of counsel, the defendants,
11 and outside the presence of the potential jury panel.

12 The following jurors are going to be excused. Please follow
13 along. I'm going to do the badge number first and then the name, if this
14 is what you have stipulated to. Then I'm going to bring the panel in,
15 we're going to excuse them, and then proceed on to the next part of jury
16 selection. Agreed?

17 MS. BEVERLY: Thank you, Your Honor.

18 MS. MACHNICH: Thank you, Your Honor.

19 MR. PLUMMER: Yes, Your Honor.

20 THE COURT: Thank you.

21 Badge No. 10 -- is this a K? Roxana Ramos; Badge No. 12,
22 Egda Ramirez; Badge No. 19, Chelsea Morgan Shaw; Badge No. 22,
23 Cora P. Aspecto; Badge No. 27, Ana Gomez; Badge No. 29, Beatriz
24 Medina; Badge No. 32, Fateh Jat; Badge No. 35, Alecia Savage;
25 Badge No. 46, Sehymus Baloglu; Badge No. 47, Joanna Edgar;

1 Badge No. 50, Kyeina Jackson; Badge No. 51, Alejandro Alvarez;
2 Badge No. 52, Cynthia Ann Sauchak; Badge No. 53, Diane Diarchangel;
3 Badge No. 54, Alexi Irvine; Badge No. 55, Tatyana McFadden; and
4 Badge No. 68, Micaela Bernal-Tapia.

5 Are those the potential jurors that the parties have stipulated
6 can be excused?

7 MR. GIORDANI: Yes, Your Honor.

8 MS. MACHNICH: They are, Your Honor.

9 MR. PLUMMER: Yes, Your Honor.

10 THE COURT: All right. At this time, I'm going to call the
11 jurors -- potential jury panel back in and excuse those. And then we'll
12 proceed to the next phase of jury selection.

13 [Prospective jury panel reconvened at 3:16 p.m.]

14 THE COURT: Thank you. You may be seated.

15 Let the record reflect the presence of counsel for the State
16 and the defendants, the presence of the defendants, and the panel of
17 potential jurors.

18 The following persons may be excused from the court and
19 leave with our thanks for your appearing today. I'm going to read your
20 badge number and your name, and if I mispronounce your name, I
21 apologize in advance.

22 Badge No. 10, Roxana Ramos; Badge No. 12, Egda Ramirez;
23 Badge No. 19, Chelsea Morgan Shaw; Badge No. 22, Cora P. Aspecto;
24 Badge No. 27, Anna Gomez; Badge No. 29, Beatriz Medina;
25 Badge No. 32, Fateh Jat; Badge No. 35, Alecia Savage; Badge No. 46,

1 Sehymus Baloglu; Badge No. 47, Joann Edgar; Badge No. 50, Kyeina
2 Jackson; Badge No. 51, Alejandro Alvarez; Badge No. 52, Cynthia Ann
3 Sauchak; Badge No. 53, Diana Diarchangel; Badge No. 54, Alexi Irvine;
4 Badge No. 55, Tatyana McFadden; Badge No. 68, Micaela
5 Bernal-Tapia.

6 We will now proceed with the next phase of jury selection.
7 The clerk will now call 24 people to the jury box beginning with the
8 lowest badge number and proceeding sequentially.

9 So the individuals that are in the jury box right now, if you
10 could be seated in the audience. Wait. Hold on a second. It's going to
11 be the same people? I apologize. Apparently a lot of you may be the
12 same people that's making room. So I apologize. My staff has
13 corrected me. Thank you. Apparently, it would have caused confusion.

14 So please call 24 people to the jury box beginning with the
15 lowest badge number and proceeding sequentially.

16 THE CLERK: Badge No. 001, Joe Arellano, Seat No. 1;
17 Badge No. 002, Ilanit Saxe, Seat No. 2; Badge No. 003, Joshua
18 Grinsted, Seat No. 3; Michelle Dimaya, Badge No. 004, Seat No. 4;
19 Badge No. 006, Matthew Stoldal -- correction, Seat No. 5;
20 Badge No. 007, Rosalyn Willis, Seat No. 6; Badge No. 008, Susan
21 Phillips, Seats No. 7; Badge No. 009, Mariteresa Rivera-Rogers,
22 Seat No. 8; Badge No. 011; Kristi Feldman, Seat No. 9; Badge No. 013,
23 Adam Bragdon, Seat No. 10; Badge No. 015, Kent Hodgkin, Seat No. 11;
24 Badge No. 020, Nani Woods, Seat No. 12; Badge No. 021, Eric
25 Limbacher, Seat No. 13; Badge No. 023, Jason Wright, Seat No. 14;

1 Badge No. 025, Tamiko Keyes, Seat No. 15; Badge No. 026, Eric
2 Geisler, Seat No. 16; Badge No. 028, Leticia Rojas, Seat No. 17;
3 Badge No. 031, Anthony Pope, Seat No. 18; Badge No. 033, Lisa
4 Miller-Roche, Seat No. 19; Badge No. 036, Stephen Fritz, Seat No. 20;
5 Badge No. 038, Gerald Troller, Seat No. 21; Badge No. 039, Pamela
6 Adams, Seat No. 22; Badge No. 040k Jacqueline Johnson, Seat No. 23;
7 Badge No. 041, Zachary Messer, Seat No. 24.

8 THE COURT: We will now focus questions on the group of 24
9 persons comprising the prospective panel of jurors seated in the -- in
10 and in front of the jury box.

11 I'm going to ask questions to each you in order before the
12 attorneys ask their questions.

13 Remember you are still under oath and are required by law to
14 answer questions truthfully.

15 Sir, if you could state your name -- you don't have to stand up.
16 That's fine. But if you could state your name and your badge number,
17 please.

18 PROSPECTIVE JUROR NO. 001: Joe Arellano, Badge No. 1.

19 THE COURT: Thank you. How long have you lived in Clark
20 County, Nevada?

21 PROSPECTIVE JUROR NO. 001: Since 2003.

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

23 PROSPECTIVE JUROR NO. 001: What was that?

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

25 PROSPECTIVE JUROR NO. 001: GED.

1 THE COURT: What is your occupation?
2 PROSPECTIVE JUROR NO. 001: IT.
3 THE COURT: I'm sorry. IT?
4 PROSPECTIVE JUROR NO. 001: Correct.
5 THE COURT: Thank you. What is your marital status?
6 PROSPECTIVE JUROR NO. 001: Married.
7 THE COURT: What is the occupation of your spouse?
8 PROSPECTIVE JUROR NO. 001: Customer service
9 representative.
10 THE COURT: And where is it at?
11 PROSPECTIVE JUROR NO. 001: She works at Capital One.
12 THE COURT: Do you have any children?
13 PROSPECTIVE JUROR NO. 001: Two.
14 THE COURT: How old are they?
15 PROSPECTIVE JUROR NO. 001: 12 and 16.
16 THE COURT: Have you ever served as a juror before?
17 PROSPECTIVE JUROR NO. 001: No.
18 THE COURT: Have you ever testified as a witness in a
19 criminal case?
20 PROSPECTIVE JUROR NO. 001: No.
21 THE COURT: Have you or a close family member ever been
22 convicted of a crime?
23 PROSPECTIVE JUROR NO. 001: No.
24 THE COURT: Have you or a close family member ever been
25 the victim of a crime?

1 PROSPECTIVE JUROR NO. 001: No, not that I can think of.

2 THE COURT: Do you have any close relatives or friends who
3 have ever been engaged in law enforcement?

4 PROSPECTIVE JUROR NO. 001: No.

5 THE COURT: Do you agree that if you are chosen to serve as
6 a juror in this case, that you will honor your duty to be completely fair
7 and impartial and to listen carefully to all of the evidence before you
8 make a decision?

9 PROSPECTIVE JUROR NO. 001: Yes.

10 THE COURT: Thank you. Can you pass the microphone,
11 please.

12 Ma'am, if you could state your name and badge number.

13 PROSPECTIVE JUROR NO. 002: Ilanit Saxe, No. 2.

14 THE COURT: Thank you. How long have you lived in Clark
15 County, Nevada?

16 PROSPECTIVE JUROR NO. 002: Since 1990.

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

18 PROSPECTIVE JUROR NO. 002: I got my associate degree
19 from CSN.

20 THE COURT: What is your occupation?

21 PROSPECTIVE JUROR NO. 002: I'm an interior designer.

22 THE COURT: And who do you work for?

23 PROSPECTIVE JUROR NO. 002: I work for myself.

24 THE COURT: So you're self-employed?

25 PROSPECTIVE JUROR NO. 002: Yes.

1 THE COURT: Thank you. What is your marital status?
2 PROSPECTIVE JUROR NO. 002: I'm married.
3 THE COURT: What is the occupation of your spouse?
4 PROSPECTIVE JUROR NO. 002: He's a dentist.
5 THE COURT: Do you have any children?
6 PROSPECTIVE JUROR NO. 002: I have three.
7 THE COURT: How old are they?
8 PROSPECTIVE JUROR NO. 002: 24, 22 almost, and
9 almost 18.
10 THE COURT: And as to your adult children, what do they do?
11 PROSPECTIVE JUROR NO. 002: My oldest, he's a law
12 student, first year. My daughter is graduating in May. She is going to be
13 a stage manager. And my youngest, he's still in high school.
14 THE COURT: All right. Have you ever served as a juror
15 before?
16 PROSPECTIVE JUROR NO. 002: No.
17 THE COURT: Have you ever testified as a witness in a
18 criminal case?
19 PROSPECTIVE JUROR NO. 002: No.
20 THE COURT: Have you or a close family member ever been
21 convicted of a crime?
22 PROSPECTIVE JUROR NO. 002: No.
23 THE COURT: Have you or a close family member ever been
24 the victim of a crime?
25 PROSPECTIVE JUROR NO. 002: No.

1 THE COURT: Do you have any close relatives or friends who
2 have ever been engaged in law enforcement?

3 PROSPECTIVE JUROR NO. 002: No.

4 THE COURT: Do you agree that if you are chosen to serve as
5 a juror in this case, that you will honor your duty to be completely fair
6 and impartial, to listen carefully to all of the evidence before you make
7 your decision?

8 PROSPECTIVE JUROR NO. 002: Yes.

9 THE COURT: You all notice a pattern here on the questions?
10 I'm just -- okay. So you kind of know where we're going.

11 Sir, if you could state your name and your badge number.

12 PROSPECTIVE JUROR NO. 003: Joshua Grinsted,
13 Badge No. 3.

14 THE COURT: How long have you lived in Clark County,
15 Nevada?

16 PROSPECTIVE JUROR NO. 003: Since 2015.

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

18 PROSPECTIVE JUROR NO. 003: Associate's degree.

19 THE COURT: What is your occupation?

20 PROSPECTIVE JUROR NO. 003: I'm a computer
21 programmer.

22 THE COURT: And do you work -- are you self-employed, or
23 do you work for a company?

24 PROSPECTIVE JUROR NO. 003: I work for a company.
25 Partner in a company.

1 THE COURT: I'm sorry?
2 PROSPECTIVE JUROR NO. 003: A partner in a company.
3 THE COURT: And what is the name of the company?
4 PROSPECTIVE JUROR NO. 003: Tieche Systems. They're
5 out of California.
6 THE COURT: Thank you. What is your marital status?
7 PROSPECTIVE JUROR NO. 003: I'm married.
8 THE COURT: What is the occupation of your spouse?
9 PROSPECTIVE JUROR NO. 003: She's a homemaker.
10 THE COURT: Has she always been a homemaker? Did she
11 have an occupation before?
12 PROSPECTIVE JUROR NO. 003: She previously was a
13 massage therapist.
14 THE COURT: Thank you. Do you have any children?
15 PROSPECTIVE JUROR NO. 003: No.
16 THE COURT: Were you -- have you ever served as a juror
17 before?
18 PROSPECTIVE JUROR NO. 003: I have not.
19 THE COURT: Have you ever testified as a witness in a
20 criminal case?
21 PROSPECTIVE JUROR NO. 003: I have not.
22 THE COURT: Have you or a close family member ever been
23 convicted of a crime?
24 PROSPECTIVE JUROR NO. 003: No.
25 THE COURT: Have you or a close family member ever been

1 the victim of a crime?

2 PROSPECTIVE JUROR NO. 003: No.

3 THE COURT: Do you have any close relatives or friends who
4 have ever been engaged in law enforcement?

5 PROSPECTIVE JUROR NO. 003: At the gym where I go to
6 regularly, there's quite a few who are in law enforcement there at the
7 gym. And we talk --

8 THE COURT: And do you know what agency they're with?

9 PROSPECTIVE JUROR NO. 003: Some are with Metro.
10 Others, I'm not sure.

11 THE COURT: Okay. And these are people at the gym you
12 work out with?

13 PROSPECTIVE JUROR NO. 003: Yes, that's correct. I
14 wouldn't call them close friends, but acquaintances. We do chat when
15 we're there.

16 THE COURT: Okay. And do you ever speak about what they
17 do?

18 PROSPECTIVE JUROR NO. 003: They on occasion will talk
19 about certain things that have happened on their -- in their patrol.

20 THE COURT: Does your knowledge about this person's job
21 affect your ability to be fair and impartial in this case?

22 PROSPECTIVE JUROR NO. 003: I would like to say no, it
23 doesn't.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 003: I'll say --

1 THE COURT: Why would you like to say it as opposed to
2 saying it?

3 PROSPECTIVE JUROR NO. 003: I will say, then, no. I think I
4 could serve as a fair juror.

5 THE COURT: Okay. So even though you know what these
6 individuals do in law enforcement and occasionally you speak about
7 cases, you believe you could still be fair and impartial in this case?

8 PROSPECTIVE JUROR NO. 003: I believe so.

9 THE COURT: Thank you. Do you agree that if you are
10 chosen to serve as a juror in this case, that you will honor your duty to
11 be completely fair and impartial to listen carefully to all the evidence
12 before you make a decision?

13 PROSPECTIVE JUROR NO. 003: Yes.

14 THE COURT: Thank you, sir. If you can pass the
15 microphone.

16 Ma'am, if you could state your name and badge number.

17 PROSPECTIVE JUROR NO. 004: Michelle Dimaya,
18 Badge No. 4.

19 THE COURT: How long have you lived in Clark County,
20 Nevada?

21 PROSPECTIVE JUROR NO. 004: Since 1999.

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

23 PROSPECTIVE JUROR NO. 004: Bachelor's degree.

24 THE COURT: What is your occupation?

25 PROSPECTIVE JUROR NO. 004: Marketing manager.

1 THE COURT: And are you self-employed, or do you work for
2 someone?

3 PROSPECTIVE JUROR NO. 004: I work for Station Casinos.

4 THE COURT: What is your marital status?

5 PROSPECTIVE JUROR NO. 004: Married.

6 THE COURT: What is the occupation of your spouse?

7 PROSPECTIVE JUROR NO. 004: Guest service manager.

8 THE COURT: And is that for a company?

9 PROSPECTIVE JUROR NO. 004: Yes, it is.

10 THE COURT: What is the name of the company?

11 PROSPECTIVE JUROR NO. 004: The Venetian.

12 THE COURT: Thank you. Do you have any children?

13 PROSPECTIVE JUROR NO. 004: I do.

14 THE COURT: How old are they?

15 PROSPECTIVE JUROR NO. 004: 7 and 3.

16 THE COURT: I assume they do not work at this point in their
17 lives?

18 PROSPECTIVE JUROR NO. 004: They do not.

19 THE COURT: Thank you.

20 PROSPECTIVE JUROR NO. 004: But they should.

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

22 PROSPECTIVE JUROR NO. 004: I have not.

23 THE COURT: Have you ever testified as a witness in a
24 criminal case?

25 PROSPECTIVE JUROR NO. 004: No.

1 THE COURT: Have you or a close family member ever been
2 convicted of a crime?

3 PROSPECTIVE JUROR NO. 004: No.

4 THE COURT: Have you or a close family member ever been
5 the victim of a crime?

6 PROSPECTIVE JUROR NO. 004: Yes.

7 THE COURT: And can you state who that was?

8 PROSPECTIVE JUROR NO. 004: Myself.

9 THE COURT: And what was the crime?

10 PROSPECTIVE JUROR NO. 004: Home invasion.

11 THE COURT: And home invasion means that you were home
12 when somebody broke in; is that correct?

13 PROSPECTIVE JUROR NO. 004: Correct.

14 THE COURT: And was that case investigated?

15 PROSPECTIVE JUROR NO. 004: Yes.

16 THE COURT: And who investigated it?

17 PROSPECTIVE JUROR NO. 004: Right here.

18 THE COURT: Was it Metro or one of the municipalities?

19 PROSPECTIVE JUROR NO. 004: Metro.

20 THE COURT: Las Vegas Metropolitan Police Department?

21 PROSPECTIVE JUROR NO. 004: Yes.

22 THE COURT: Were you satisfied with their investigation?

23 PROSPECTIVE JUROR NO. 004: Yes.

24 THE COURT: And was the person or persons who did the
25 home invasion, were they ever arrested?

1 PROSPECTIVE JUROR NO. 004: They were.

2 THE COURT: Okay. And were you satisfied with their
3 prosecution?

4 PROSPECTIVE JUROR NO. 004: Yes.

5 THE COURT: Do you have any close relatives or friends who
6 have ever been engaged in law enforcement?

7 PROSPECTIVE JUROR NO. 004: Yes.

8 THE COURT: And who was that?

9 PROSPECTIVE JUROR NO. 004: I too have friends at a gym
10 that are in law enforcement.

11 THE COURT? Okay. And is it similar to the gentleman that
12 you see while at the gym working out, and you converse with them?

13 PROSPECTIVE JUROR NO. 004: Yes, correct.

14 THE COURT: And do you ever converse with them about any
15 cases they may be working on?

16 PROSPECTIVE JUROR NO. 004: Again, they talk
17 occasionally about the things that they do at work.

18 THE COURT: And do you know what law enforcement
19 agency they're with?

20 PROSPECTIVE JUROR NO. 004: Metro. I'm not certain.

21 THE COURT: And does your knowledge about their job affect
22 your ability to be fair and impartial in this case?

23 PROSPECTIVE JUROR NO. 004: No.

24 THE COURT: Do you agree that if you are chosen to serve as
25 a juror in this case, that you will honor your duty to be completely fair

1 and impartial and to listen carefully to all the evidence before you make
2 a decision?

3 PROSPECTIVE JUROR NO. 004: Yes.

4 THE COURT: Thank you, ma'am. If you could pass the
5 microphone.

6 Sir, if you could state your name and badge number.

7 PROSPECTIVE JUROR NO. 006: Matthew Stoldal,
8 Badge No. 6.

9 THE COURT: How long have you lived in Clark County,
10 Nevada?

11 PROSPECTIVE JUROR NO. 006: Since 1999.

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

13 PROSPECTIVE JUROR NO. 006: Some college.

14 THE COURT: What is your occupation?

15 PROSPECTIVE JUROR NO. 006: Systems architect. IT.

16 THE COURT: Okay. And what was the name of the
17 company?

18 PROSPECTIVE JUROR NO. 006: CDW.

19 THE COURT: What is your marital status?

20 PROSPECTIVE JUROR NO. 006: Unmarried.

21 THE COURT: What is the occupation of your spouse?

22 PROSPECTIVE JUROR NO. 006: I'm unmarried.

23 THE COURT: Huh?

24 PROSPECTIVE JUROR NO. 006: I'm unmarried, single.

25 THE COURT: Oh, I'm sorry. I apologize. I heard married.

1 PROSPECTIVE JUROR NO. 006: Sorry.
2 THE COURT: Maybe I need the headsets.
3 Do you have any children?
4 PROSPECTIVE JUROR NO. 006: No.
5 THE COURT: All right. Have you ever served as a juror
6 before?
7 PROSPECTIVE JUROR NO. 006: No.
8 THE COURT: Have you ever testified as a witness in a
9 criminal case?
10 PROSPECTIVE JUROR NO. 006: I have not.
11 THE COURT: Have you or a close family member ever been
12 convicted of a crime?
13 PROSPECTIVE JUROR NO. 006: Not that I'm aware.
14 THE COURT: Have you or a close family member ever been
15 the victim of a crime?
16 PROSPECTIVE JUROR NO. 006: Not that I'm aware.
17 THE COURT: Do you have any close relatives or friends who
18 have ever been engaged in law enforcement?
19 PROSPECTIVE JUROR NO. 006: I have a friend that went
20 through Metro academy recently. But outside of that --
21 THE COURT: Did they make it through and became a law
22 enforcement -- a Metro officer?
23 PROSPECTIVE JUROR NO. 006: Yes.
24 THE COURT: And that friend, is it a good friend, social?
25 PROSPECTIVE JUROR NO. 006: Social acquaintance.

1 THE COURT: Okay. Do you ever talk -- is it a male or
2 female?

3 PROSPECTIVE JUROR NO. 006: Female.

4 THE COURT: Do you ever talk with her about her job?

5 PROSPECTIVE JUROR NO. 006: Not directly, no.

6 THE COURT: Okay. Is there anything about your knowledge
7 about what that person does affect your ability to be fair and impartial in
8 this case?

9 PROSPECTIVE JUROR NO. 006: Should not.

10 THE COURT: Do you agree that if you are chosen to serve as
11 a juror in this case that you will honor your duty to be completely fair and
12 impartial and to listen carefully to all the evidence before you make a
13 decision?

14 PROSPECTIVE JUROR NO. 006: Yes.

15 THE COURT: Thank you, sir. If you could pass the
16 microphone.

17 Ma'am, if you could state your name and badge number.

18 PROSPECTIVE JUROR NO. 007: Rosalyn Willis, Badge 7.

19 THE COURT: Thank you. How long have you lived in Clark
20 County, Nevada?

21 PROSPECTIVE JUROR NO. 007: 16 years.

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

23 PROSPECTIVE JUROR NO. 007: Bachelor's degree.

24 THE COURT: What is your occupation?

25 PROSPECTIVE JUROR NO. 007: Stay at home

1 mom/cosmetologist.

2 THE COURT: I'm sorry, licensed cosmetologist?

3 PROSPECTIVE JUROR NO. 007: Licensed cosmetologist.

4 THE COURT: What is your marital status?

5 PROSPECTIVE JUROR NO. 007: Married.

6 THE COURT: What is the occupation of your spouse?

7 PROSPECTIVE JUROR NO. 007: He is a minister.

8 THE COURT: At what church, ma'am?

9 PROSPECTIVE JUROR NO. 007: Church of Jesus Our Lord
10 of Las Vegas.

11 THE COURT: Thank you. Do you have any children?

12 PROSPECTIVE JUROR NO. 007: I do.

13 THE COURT: How old are they?

14 PROSPECTIVE JUROR NO. 007: 23, 16, 11, and 8.

15 THE COURT: And as to your adult child, what does he or she
16 do for a living?

17 PROSPECTIVE JUROR NO. 007: She is a manager at Ross.

18 THE COURT: Thank you. And I assume the minor children
19 reside with you, and that's why you're -- you reside at home?

20 PROSPECTIVE JUROR NO. 007: Yes.

21 THE COURT: And you take care of your children?

22 PROSPECTIVE JUROR NO. 007: Yes.

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

25 PROSPECTIVE JUROR NO. 007: No.

1 THE COURT: Have you ever testified as a witness in a
2 criminal case?

3 PROSPECTIVE JUROR NO. 007: No.

4 THE COURT: Have you or a close family member ever been
5 convicted of a crime?

6 PROSPECTIVE JUROR NO. 007: No.

7 THE COURT: Have you or a close family member ever been
8 the victim of a crime?

9 PROSPECTIVE JUROR NO. 007: Yes.

10 THE COURT: And who was that, ma'am?

11 PROSPECTIVE JUROR NO. 007: Myself.

12 THE COURT: And what was the crime?

13 PROSPECTIVE JUROR NO. 007: It was a home invasion
14 assault on myself.

15 THE COURT: Okay. And was that here in Clark County,
16 Nevada?

17 PROSPECTIVE JUROR NO. 007: It was not.

18 THE COURT: And where was it?

19 PROSPECTIVE JUROR NO. 007: It was in Oakland,
20 California.

21 THE COURT: And when did it occur?

22 PROSPECTIVE JUROR NO. 007: When I was about the age
23 of 14.

24 THE COURT: 14. And was it investigated by law
25 enforcement?

1 PROSPECTIVE JUROR NO. 007: We called the police. But
2 the person was never caught.

3 THE COURT: Okay. But they did investigate it?

4 PROSPECTIVE JUROR NO. 007: Yes.

5 THE COURT: Did you blame law enforcement for that person
6 never being caught?

7 PROSPECTIVE JUROR NO. 007: No.

8 THE COURT: Do you have any close relatives or friends who
9 have ever been engaged in law enforcement?

10 PROSPECTIVE JUROR NO. 007: Yes.

11 THE COURT: And who is that, ma'am?

12 PROSPECTIVE JUROR NO. 007: I have a friend that is a
13 courtroom officer.

14 THE COURT: Similar to a marshal?

15 PROSPECTIVE JUROR NO. 007: Yes.

16 THE COURT: Do you ever speak to that friend about his or
17 her job?

18 PROSPECTIVE JUROR NO. 007: Not really, no.

19 THE COURT: Is there anything about that person's job affect
20 your ability to be fair and impartial?

21 PROSPECTIVE JUROR NO. 007: No.

22 THE COURT: Do you agree that if you are chosen to serve as
23 juror in this case, that you will honor your duty to be completely fair and
24 impartial and to listen carefully to all the evidence before you make a
25 decision?

1 PROSPECTIVE JUROR NO. 007: Yes.

2 THE COURT: Thank you, ma'am. If you could pass the

3 microphone.

4 Ma'am, if you could state your name and badge number.

5 PROSPECTIVE JUROR NO. 008: Susan Phillips,

6 Badge No. 8.

7 THE COURT: How long have you lived in Clark County,

8 Nevada?

9 PROSPECTIVE JUROR NO. 008: Since 1962.

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

11 PROSPECTIVE JUROR NO. 008: Two master's degrees.

12 THE COURT: What is your occupation?

13 PROSPECTIVE JUROR NO. 008: I'm retired. Math instructor

14 and counselor.

15 THE COURT: What is your marital status?

16 PROSPECTIVE JUROR NO. 008: Married.

17 THE COURT: What is the occupation of your spouse?

18 PROSPECTIVE JUROR NO. 008: Retired professor.

19 THE COURT: And where at, ma'am?

20 PROSPECTIVE JUROR NO. 008: UNLV.

21 THE COURT: Do you have any children?

22 PROSPECTIVE JUROR NO. 008: No.

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

24 PROSPECTIVE JUROR NO. 008: No.

25 THE COURT: Have you ever testified as witness in a criminal

1 case?

2 PROSPECTIVE JUROR NO. 008: No.

3 THE COURT: Have you or a close family member ever been
4 convicted of a crime?

5 PROSPECTIVE JUROR NO. 008: No.

6 THE COURT: Have you or a close family member ever been
7 the victim of a crime?

8 PROSPECTIVE JUROR NO. 008: Yes. I've been burglarized
9 twice.

10 THE COURT: You've been burglarized twice?

11 PROSPECTIVE JUROR NO. 008: Uh-huh.

12 THE COURT: Was that here in Clark County, Nevada?

13 PROSPECTIVE JUROR NO. 008: Yes.

14 THE COURT: Was it -- were those burglaries investigated by
15 law enforcement?

16 PROSPECTIVE JUROR NO. 008: Well, best they could.

17 THE COURT: Okay. And were the individuals ever arrested?

18 PROSPECTIVE JUROR NO. 008: No.

19 THE COURT: Will you -- do you blame law enforcement for
20 that?

21 PROSPECTIVE JUROR NO. 008: No.

22 THE COURT: Were you satisfied with their investigation?

23 PROSPECTIVE JUROR NO. 008: Yes.

24 THE COURT: Do you have any close relatives or friends who
25 have ever been engaged in law enforcement?

1 PROSPECTIVE JUROR NO. 008: No.

2 THE COURT: Do you agree that if you are chosen to serve as
3 a juror in this case, that you will honor your duty to be completely fair
4 and impartial and to listen carefully to all the evidence before you make
5 your decision?

6 PROSPECTIVE JUROR NO. 008: Well, I have mixed
7 feelings. I -- besides the burglaries, I worked at High Desert State
8 Prison for nine years and Clark County Detention for two. So I don't
9 know if any of that might interfere, but I just want to put it out there --

10 THE COURT: Well, I want -- we're looking for -- shucks.
11 We're looking for honest answers, completely honest answers.

12 So you think those experiences would prevent you from being
13 fair and impartial?

14 PROSPECTIVE JUROR NO. 008: Possibly.

15 THE COURT: Okay. Well, you understand there's going to
16 be evidence presented during this trial?

17 PROSPECTIVE JUROR NO. 008: Uh-huh.

18 THE COURT: Do you understand that, ma'am?

19 PROSPECTIVE JUROR NO. 008: Yes.

20 THE COURT: And we're going to ask you to make your
21 decision based on that evidence presented during the trial.

22 PROSPECTIVE JUROR NO. 008: Uh-huh.

23 THE COURT: Is that -- I'm sorry. I have a court recorder.

24 PROSPECTIVE JUROR NO. 008: I can do that.

25 THE COURT: She has to record everything.

1 PROSPECTIVE JUROR NO. 008: Okay. No, I can -- I can do
2 that, look at evidence, and --

3 THE COURT: Okay. And so all I'm asking you on this
4 question is do you agree that if you're chosen as a juror in this case, that
5 you will honor your duty to be completely fair and impartial and to listen
6 carefully to all the evidence before you make a decision? Can you
7 agree to that?

8 PROSPECTIVE JUROR NO. 008: I'll agree.

9 THE COURT: Thank you.

10 Hi. State your name and badge number.

11 PROSPECTIVE JUROR NO. 009: Mariteresa Rivera-Rogers,
12 Badge No. 9.

13 THE COURT: How long have you lived in Clark County,
14 Nevada?

15 PROSPECTIVE JUROR NO. 009: 52 years.

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

17 PROSPECTIVE JUROR NO. 009: Juris Doctorate.

18 THE COURT: And from what law school?

19 PROSPECTIVE JUROR NO. 009: Boyd.

20 THE COURT: What is your occupation?

21 PROSPECTIVE JUROR NO. 009: I'm a lawyer.

22 THE COURT: And who are you -- are you employed?

23 PROSPECTIVE JUROR NO. 009: Yes. With Wright
24 Stanish & Winckler.

25 THE COURT: And is that a criminal defense law firm?

1 PROSPECTIVE JUROR NO. 009: That's a criminal defense
2 law firm, yes.

3 THE COURT: And what is your marital status?

4 PROSPECTIVE JUROR NO. 009: I'm a widow.

5 THE COURT: And what was the occupation of your spouse
6 before passing?

7 PROSPECTIVE JUROR NO. 009: He was a publisher.

8 THE COURT: Do you have any children?

9 PROSPECTIVE JUROR NO. 009: I have four children and six
10 grandchildren.

11 THE COURT: Okay. As to -- are you children adults?

12 PROSPECTIVE JUROR NO. 009: They're all very adult.

13 THE COURT: As to your adult children, what do they do for a
14 living?

15 PROSPECTIVE JUROR NO. 009: Okay. So my oldest
16 daughter, she's a stay-at-home mom, and she -- before that, she was
17 a -- encoding at a hospital. And my second oldest is a union engineer.
18 And the other one is also a stay-at-home mom, and she has juris
19 doctorate degree. And the youngest one is a art designer at a sign
20 company.

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

23 PROSPECTIVE JUROR NO. 009: No. I didn't ever get this
24 far.

25 THE COURT: Okay. And so I'm asking -- so you never

1 actually served as a juror?

2 PROSPECTIVE JUROR NO. 009: I have not.

3 THE COURT: Okay. Have you ever testified as a witness in a
4 criminal case?

5 PROSPECTIVE JUROR NO. 009: I have as an expert in
6 language matters, as an interpreter, in my prior life.

7 THE COURT: Okay. So at one time in your career, you were
8 a certified court interpreter; is that correct?

9 PROSPECTIVE JUROR NO. 009: Yes. I was for 21 -- 21
10 years, head of the court interpreters for the Eighth Judicial District Court.

11 THE COURT: Thank you. Have you or a close family
12 member ever been convicted of a crime?

13 PROSPECTIVE JUROR NO. 009: No.

14 THE COURT: Have you or a close family member ever been
15 the victim of a crime?

16 PROSPECTIVE JUROR NO. 009: Yes.

17 THE COURT: And who was that, ma'am?

18 PROSPECTIVE JUROR NO. 009: Well, I have been the
19 victim of various burglaries, five at least, during the course of my living
20 here in Las Vegas.

21 THE COURT: Okay. And that was here in Clark County in
22 Nevada?

23 PROSPECTIVE JUROR NO. 009: Yes.

24 THE COURT: Were those burglaries investigated by law
25 enforcement?

1 PROSPECTIVE JUROR NO. 009: Yes.

2 THE COURT: Were you satisfied with how law enforcement
3 investigated those burglaries?

4 PROSPECTIVE JUROR NO. 009: Yes.

5 THE COURT: Were any of the persons suspected of those
6 burglaries ever arrested?

7 PROSPECTIVE JUROR NO. 009: No.

8 THE COURT: Do you blame law enforcement for not being
9 able to find the persons who may have been broken into your home --
10 burglarized your home?

11 PROSPECTIVE JUROR NO. 009: No. In the scheme of
12 things, I believe it's not the most important job they have to be doing. So
13 that -- I don't blame them.

14 THE COURT: Do you have any close relatives or friends who
15 have ever been engaged in law enforcement?

16 PROSPECTIVE JUROR NO. 009: No.

17 THE COURT: Do you agree that if you are chosen to serve as
18 a juror in this case, that you will honor your duty to be completely fair
19 and impartial and to listen carefully to all of the evidence before you
20 make a decision?

21 PROSPECTIVE JUROR NO. 009: Yes, I know that.

22 THE COURT: Okay. Thank you. If you could pass the
23 microphone to the marshal, please.

24 Hi. If you could state your name and your badge number.

25 PROSPECTIVE JUROR NO. 011: Hi. I'm Kristi Feldman,

1 Badge No. 11.

2 THE COURT: How long have you lived in Clark County,
3 Nevada?

4 PROSPECTIVE JUROR NO. 011: Since the end of
5 June 2015.

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

7 PROSPECTIVE JUROR NO. 011: Almost a bachelor's. So
8 associate's.

9 THE COURT: And is that -- at what --

10 PROSPECTIVE JUROR NO. 011: I'm the senior RN case
11 manager for the State of Nevada Injured Workers.

12 THE COURT: Okay. Is that your occupation?

13 PROSPECTIVE JUROR NO. 011: That is. I'm an RN case
14 manager -- board-certified case manager.

15 THE COURT: What is your marital status?

16 PROSPECTIVE JUROR NO. 011: Married.

17 THE COURT: What is the occupation of your spouse?

18 PROSPECTIVE JUROR NO. 011: Software sales.

19 THE COURT: For what company?

20 PROSPECTIVE JUROR NO. 011: Take-Two.

21 THE COURT: Do you have any children?

22 PROSPECTIVE JUROR NO. 011: I do. 9- and 11-year-old
23 girls.

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

25 PROSPECTIVE JUROR NO. 011: No.

1 THE COURT: Have you ever testified as a witness in a
2 criminal case?

3 PROSPECTIVE JUROR NO. 011: No.

4 THE COURT: And have you or a close family member ever
5 been convicted of a crime?

6 PROSPECTIVE JUROR NO. 011: Yes.

7 THE COURT: And who was that, ma'am?

8 PROSPECTIVE JUROR NO. 011: That would be myself.

9 THE COURT: And what was the crime?

10 PROSPECTIVE JUROR NO. 011: Driving under the influence
11 of alcohol over 20 years ago. Very stupid. And I'm embarrassed to say
12 that.

13 THE COURT: And was that here in Clark County, Nevada?

14 PROSPECTIVE JUROR NO. 011: No. That was in Indiana.

15 THE COURT: In Indiana?

16 PROSPECTIVE JUROR NO. 011: Uh-huh. Early college.

17 THE COURT: And you said it was over 20 years ago?

18 PROSPECTIVE JUROR NO. 011: Well over 20 years ago,
19 yes.

20 THE COURT: Is there anything about that experience where
21 you could not be fair and impartial to both sides in this case?

22 PROSPECTIVE JUROR NO. 011: No, not that experience.

23 THE COURT: And have you or a close family member ever
24 been the victim of a crime?

25 PROSPECTIVE JUROR NO. 011: Yes. Myself and my

1 husband both. Theft from my purse from the gym in Indiana, and then
2 his wallet from the gym here in Henderson.

3 THE COURT: Okay. And were those -- were both of those
4 thefts investigated by law enforcement?

5 PROSPECTIVE JUROR NO. 011: They were.

6 THE COURT: Were you satisfied with law enforcement's
7 investigation?

8 PROSPECTIVE JUROR NO. 011: For as much as they could
9 do, yeah.

10 THE COURT: Okay. Were any of the persons -- was
11 anybody ever arrested in either one of those cases?

12 PROSPECTIVE JUROR NO. 011: No, no.

13 THE COURT: Okay. And you don't hold that against law
14 enforcement, do you?

15 PROSPECTIVE JUROR NO. 011: No, not in that case.

16 THE COURT: All right. Do you have any close relatives or
17 friends who have ever been engaged in law enforcement?

18 PROSPECTIVE JUROR NO. 011: Yes. Many.

19 THE COURT: And did you say many?

20 PROSPECTIVE JUROR NO. 011: Many, yes.

21 THE COURT: Okay. So how close?

22 PROSPECTIVE JUROR NO. 011: So my mother's husband
23 is a retired police captain from a small town in Indiana. Several of my
24 friends are and were deputy prosecutors, various counties in Indiana.

25 THE COURT: Anybody here in Clark County, Nevada?

1 PROSPECTIVE JUROR NO. 011: No, not that I can think of.
2 But I do represent, as the RN case manager, for several of the injured
3 workers that are state troopers, since I represent the injured workers for
4 State of Nevada employees. But we don't discuss, you know, any cases
5 that they would work on. But --

6 THE COURT: Okay. As to the individuals you have identified,
7 does your knowledge about those persons' job affect your ability to be
8 fair and impartial in this case?

9 PROSPECTIVE JUROR NO. 011: No, Your Honor.

10 THE COURT: Thank you. Do you agree that if you are
11 chosen to serve as a juror in this case, that you will honor your duty to
12 be completely fair and impartial and to listen carefully to all of the
13 evidence before you make a decision?

14 PROSPECTIVE JUROR NO. 011: Yes, Your Honor.

15 THE COURT: Thank you. If you could pass the microphone.

16 Sir, if you could state your name and badge number.

17 PROSPECTIVE JUROR NO. 013: Adam Bragdon, Badge 13.

18 THE COURT: And, obviously, you're a Knights fan?

19 PROSPECTIVE JUROR NO. 013: Yes, sir.

20 THE COURT: He was wearing a Knights hat when he came
21 in. So I made a gesture like this, and he removed his hat.

22 How long have you lived in Clark County, Nevada?

23 PROSPECTIVE JUROR NO. 013: Since 2000.

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

25 PROSPECTIVE JUROR NO. 013: Associate's degree.

1 THE COURT: What is your occupation?
2 PROSPECTIVE JUROR NO. 013: Aviation.
3 THE COURT: What is your marital status?
4 PROSPECTIVE JUROR NO. 013: Single.
5 THE COURT: Do you have any children?
6 PROSPECTIVE JUROR NO. 013: No, sir.
7 THE COURT: Have you ever served as a juror before?
8 PROSPECTIVE JUROR NO. 013: No.
9 THE COURT: Have you ever testified as a witness in a
10 criminal case?
11 PROSPECTIVE JUROR NO. 013: No.
12 THE COURT: Have you or a close family member ever been
13 convicted of a crime?
14 PROSPECTIVE JUROR NO. 013: No.
15 THE COURT: Have you or a close family member ever been
16 the victim of a crime?
17 PROSPECTIVE JUROR NO. 013: Yes.
18 THE COURT: And who was that, sir?
19 PROSPECTIVE JUROR NO. 013: It was my family's home,
20 but my dad was the only one home at the time for a home invasion.
21 THE COURT: And was that here in Clark County, Nevada?
22 PROSPECTIVE JUROR NO. 013: Yes, sir.
23 THE COURT: And when did that occur?
24 PROSPECTIVE JUROR NO. 013: 15 years ago probably.
25 THE COURT: Was it investigated by law enforcement?

1 PROSPECTIVE JUROR NO. 013: Yes.
2 THE COURT: Do you know which agency?
3 PROSPECTIVE JUROR NO. 013: Henderson.
4 THE COURT: Henderson Police Department?
5 PROSPECTIVE JUROR NO. 013: Yes, sir.
6 THE COURT: Were you satisfied with the -- their
7 investigation?
8 PROSPECTIVE JUROR NO. 013: Yes.
9 THE COURT: Was anybody ever arrested?
10 PROSPECTIVE JUROR NO. 013: Not to my knowledge.
11 THE COURT: And you don't blame law enforcement for that,
12 do you?
13 PROSPECTIVE JUROR NO. 013: No.
14 THE COURT: Do you have any close relatives or friends who
15 have ever been engaged in law enforcement?
16 PROSPECTIVE JUROR NO. 013: Yes.
17 THE COURT: And who is that?
18 PROSPECTIVE JUROR NO. 013: My father and both my
19 brothers.
20 THE COURT: And is that here in Clark County, Nevada?
21 PROSPECTIVE JUROR NO. 013: Yes.
22 THE COURT: Are they currently -- which agency?
23 PROSPECTIVE JUROR NO. 013: My father was former
24 Metro. And then my brothers are currently in Metro and Henderson.
25 THE COURT: Okay. So is your father retired from Metro?

1 PROSPECTIVE JUROR NO. 013: Yes.

2 THE COURT: And you said one of your brothers is with
3 Metro; is that correct?

4 PROSPECTIVE JUROR NO. 013: Yes, sir.

5 THE COURT: And then one of your brothers is with the
6 Henderson Police Department?

7 PROSPECTIVE JUROR NO. 013: Yes.

8 THE COURT: Do you ever talk to your father or your brothers
9 about any cases they're working on?

10 PROSPECTIVE JUROR NO. 013: Yes. Or what happened
11 during their shift. It's not really cases.

12 THE COURT: And is that on a regular basis?

13 PROSPECTIVE JUROR NO. 013: Often. Yes.

14 THE COURT: Okay. Does your knowledge about your father
15 and brother's job affect your ability to be fair and impartial in this case?

16 PROSPECTIVE JUROR NO. 013: No.

17 THE COURT: Do you agree that if you are chosen to serve as
18 a juror in this case that you will honor your duty be completely fair and
19 impartial and to listen carefully to all the evidence before you make a
20 decision?

21 PROSPECTIVE JUROR NO. 013: Yes.

22 THE COURT: Thank you. If you could pass the microphone.
23 Sir, if you could state your name and badge number.

24 PROSPECTIVE JUROR NO. 015: Kent Hodgin, No. 15.

25 THE COURT: How long have you lived in Clark County,

1 Nevada?

2 PROSPECTIVE JUROR NO. 015: Since 1991.

3 THE COURT: And by this time, you guys can probably say
4 the questions back to me, to be honest with you.

5 In any event, how far did you go in school?

6 PROSPECTIVE JUROR NO. 015: Bachelor's.

7 THE COURT: What is your occupation?

8 PROSPECTIVE JUROR NO. 015: I'm a designer.

9 THE COURT: Are you employed, self-employed, or do you
10 work for a company?

11 PROSPECTIVE JUROR NO. 015: I work for GES.

12 THE COURT: What is your marital status?

13 PROSPECTIVE JUROR NO. 015: Married.

14 THE COURT: What is the occupation of your spouse?

15 PROSPECTIVE JUROR NO. 015: She's a CPA.

16 THE COURT: And, again, is she self-employed or works for a
17 company?

18 PROSPECTIVE JUROR NO. 015: She works for Ken R.
19 Ashworth & Associates.

20 THE COURT: Do you have any children?

21 PROSPECTIVE JUROR NO. 015: One.

22 THE COURT: How old is the child?

23 PROSPECTIVE JUROR NO. 015: She's 25.

24 THE COURT: What does she do for a living?

25 PROSPECTIVE JUROR NO. 015: She's a designer. She

1 works for Petco.

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

3 PROSPECTIVE JUROR NO. 015: No.

4 THE COURT: Have you ever testified as witness in a criminal
5 case?

6 PROSPECTIVE JUROR NO. 015: No.

7 THE COURT: Have you or a close family member ever been
8 convicted of a crime?

9 PROSPECTIVE JUROR NO. 015: No.

10 THE COURT: Have you or a close family member ever been
11 the victim of a crime?

12 PROSPECTIVE JUROR NO. 015: No.

13 THE COURT: Do you have any close friends or relatives who
14 have ever been engaged in law enforcement?

15 PROSPECTIVE JUROR NO. 015: I have a son-in-law who
16 was an MP in the Air Force for a while.

17 THE COURT: And when was that, sir?

18 PROSPECTIVE JUROR NO. 015: That was -- well, he got out
19 a couple years ago. He was in there for about three years.

20 THE COURT: And when he was an MP in the Air Force, did
21 you ever talk to him about his job?

22 PROSPECTIVE JUROR NO. 015: Very little.

23 THE COURT: Okay. Does your knowledge about your
24 son-in-law's job affect your ability to be fair and impartial in this case?

25 PROSPECTIVE JUROR NO. 015: Yes.

1 THE COURT: How does it affect your ability to be fair and
2 impartial?

3 PROSPECTIVE JUROR NO. 015: Wait. Maybe I didn't
4 answer that correct.

5 THE COURT: In other words, I'm asking you because of what
6 your son-in-law did as an MP, even though you know about that --

7 PROSPECTIVE JUROR NO. 015: Right.

8 THE COURT: -- you may have talked to him about what he
9 did --

10 PROSPECTIVE JUROR NO. 015: Right.

11 THE COURT: -- is that going to prevent you from being fair
12 and impartial in this case?

13 PROSPECTIVE JUROR NO. 015: I did -- it should not
14 prevent me.

15 THE COURT: Thank you, sir. Do you agree that if you are
16 chosen to serve as juror in this case, that you will honor your duty to be
17 completely fair and impartial and to listen carefully to all the evidence
18 before you make your decision?

19 PROSPECTIVE JUROR NO. 015: Yes.

20 THE COURT: Thank you. If you could pass the microphone.
21 Ma'am, if you could state your name and badge number.

22 PROSPECTIVE JUROR NO. 020: Nani Woods, Number 20.

23 THE COURT: Thank you. How long have you lived in Clark
24 County, Nevada?

25 PROSPECTIVE JUROR NO. 020: About 26 years.

1 THE COURT: And what's the next question?
2 PROSPECTIVE JUROR NO. 020: Bachelor's degree.
3 THE COURT: All right. How far did you go in school?
4 PROSPECTIVE JUROR NO. 020: Bachelor's.
5 THE COURT: What is your occupation?
6 PROSPECTIVE JUROR NO. 020: Retired school teacher.
7 THE COURT: What is your marital status?
8 PROSPECTIVE JUROR NO. 020: Married.
9 THE COURT: What is the occupation of your spouse?
10 PROSPECTIVE JUROR NO. 020: Retired from the City of
11 Mesquite.
12 THE COURT: Retired from what? What was the occupation?
13 PROSPECTIVE JUROR NO. 020: He was the sanitation plant
14 manager.
15 THE COURT: Do you have any children?
16 PROSPECTIVE JUROR NO. 020: Six, and three
17 step-children.
18 THE COURT: How old are your six children? Are they
19 adults?
20 PROSPECTIVE JUROR NO. 020: They're all adults.
21 THE COURT: All right. Starting with the oldest, what do they
22 do?
23 PROSPECTIVE JUROR NO. 020: They -- what do they do?
24 THE COURT: What do they do for a living?
25 PROSPECTIVE JUROR NO. 020: Special ed teacher, mental

1 health counselor, CFO of a business, stay-at-home mom, stay-at-home
2 mom, high school teacher.

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

5 PROSPECTIVE JUROR NO. 020: No.

6 THE COURT: Have you ever testified as a witness in a
7 criminal case?

8 PROSPECTIVE JUROR NO. 020: No.

9 THE COURT: Have you or a close family member ever been
10 convicted of a crime?

11 PROSPECTIVE JUROR NO. 020: No.

12 THE COURT: Have you or a close family member ever been
13 the victim of a crime?

14 PROSPECTIVE JUROR NO. 020: Yes.

15 THE COURT: And who was that, ma'am?

16 PROSPECTIVE JUROR NO. 020: Me.

17 THE COURT: And when did that occur?

18 PROSPECTIVE JUROR NO. 020: In Fairbanks,
19 Alaska, 20 -- 30 years ago.

20 THE COURT: And what was the crime?

21 PROSPECTIVE JUROR NO. 020: Burglary.

22 THE COURT: Was it investigated by law enforcement?

23 PROSPECTIVE JUROR NO. 020: Yes.

24 THE COURT: Were you satisfied with law enforcement's
25 investigation?

1 PROSPECTIVE JUROR NO. 020: Yes.
2 THE COURT: Was anybody ever arrested?
3 PROSPECTIVE JUROR NO. 020: No.
4 THE COURT: Do you blame law enforcement for that?
5 PROSPECTIVE JUROR NO. 020: No.
6 THE COURT: Do you have any close relatives or friends who
7 have ever been engaged in law enforcement?
8 PROSPECTIVE JUROR NO. 020: Not close.
9 THE COURT: Do you agree that if you are chosen to serve as
10 a juror in this case, that you will honor your duty to be completely fair
11 and impartial and to listen carefully to all the evidence before you make
12 a decision?
13 PROSPECTIVE JUROR NO. 020: Yes.
14 THE COURT: Thank you, ma'am. Can you pass the
15 microphone.
16 Sir, what is your name and badge number?
17 PROSPECTIVE JUROR NO. 021: Eric Limbacher,
18 Number 21.
19 THE COURT: How long have you lived in Clark County,
20 Nevada?
21 PROSPECTIVE JUROR NO. 021: 16 years.
22 THE COURT: How far did you go in school?
23 PROSPECTIVE JUROR NO. 021: Some college.
24 THE COURT: What is your occupation?
25 PROSPECTIVE JUROR NO. 021: Systems administrator.

1 THE COURT: And where at?
2 PROSPECTIVE JUROR NO. 021: LogistiCare.
3 THE COURT: What is your marital status?
4 PROSPECTIVE JUROR NO. 021: Married.
5 THE COURT: What is the occupation of your spouse?
6 PROSPECTIVE JUROR NO. 021: She is an account
7 manager for Shift4.
8 THE COURT: Do you have any children?
9 PROSPECTIVE JUROR NO. 021: Yes. Two.
10 THE COURT: What are their ages?
11 PROSPECTIVE JUROR NO. 021: 15-year-old still in high
12 school and 21-year-old in the Navy.
13 THE COURT: Have you ever served as a juror before?
14 PROSPECTIVE JUROR NO. 021: Yes, sir. Civil case.
15 THE COURT: Was that here in Clark County, Nevada?
16 PROSPECTIVE JUROR NO. 021: No, sir. It was California.
17 THE COURT: In what city?
18 PROSPECTIVE JUROR NO. 021: Alamo, California.
19 THE COURT: Without telling me the verdict, did the jury
20 reach a verdict?
21 PROSPECTIVE JUROR NO. 021: Yes, sir.
22 THE COURT: Were you the foreperson?
23 PROSPECTIVE JUROR NO. 021: No, sir, I was not.
24 THE COURT: Is there anything about that experience that will
25 affect your ability to be fair and impartial in this case?

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PROSPECTIVE JUROR NO. 021: No, sir.

THE COURT: Have you ever testified as a witness in a criminal case?

PROSPECTIVE JUROR NO. 021: No, I have not.

THE COURT: Have you or a close family member ever been convicted of a crime?

PROSPECTIVE JUROR NO. 021: No, sir.

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

PROSPECTIVE JUROR NO. 021: Yes, sir. My mother was mugged.

THE COURT: And when was that?

PROSPECTIVE JUROR NO. 021: I want to say 18 years ago.

THE COURT: Was that here in Clark County, Nevada?

PROSPECTIVE JUROR NO. 021: No. That was in Concord, California.

THE COURT: Was it investigated by law enforcement?

PROSPECTIVE JUROR NO. 021: Yes, sir, it was.

THE COURT: Were you satisfied with the investigation by law enforcement?

PROSPECTIVE JUROR NO. 021: For as much as they could do, yes.

THE COURT: Was anybody ever arrested?

PROSPECTIVE JUROR NO. 021: No, sir, it was not.

THE COURT: Do you blame law enforcement for that?

1 PROSPECTIVE JUROR NO. 021: No, I do not.

2 THE COURT: Do you have any close relatives or friends who

3 have ever been engaged in law enforcement?

4 PROSPECTIVE JUROR NO. 021: We have one close family

5 friend --

6 THE COURT: Who was that? First of all, when you say close

7 family friend, is it a close family friend to you?

8 PROSPECTIVE JUROR NO. 021: Technically, my wife's best

9 friend.

10 THE COURT: Okay. And do you know what agency -- is it --

11 PROSPECTIVE JUROR NO. 021: San Francisco PD.

12 THE COURT: Huh?

13 PROSPECTIVE JUROR NO. 021: San Francisco PD.

14 THE COURT: And do you ever talk to this person about their

15 job?

16 PROSPECTIVE JUROR NO. 021: Occasionally.

17 THE COURT: Does your knowledge about that person's job

18 affect your ability to be fair and impartial in this case?

19 PROSPECTIVE JUROR NO. 021: No, sir, it does not.

20 THE COURT: Do you agree that if you are chosen to serve as

21 a juror in this case, that you would honor your duty to be completely fair

22 and impartial and to listen carefully to all of the evidence before you

23 make your decision?

24 PROSPECTIVE JUROR NO. 021: Yes, sir.

25 THE COURT: Thank you. If you could pass the microphone.

1 Sir, if you could state your name and badge number.
2 PROSPECTIVE JUROR NO. 023: Jason Wright, 23.
3 THE COURT: How long have you lived in Clark County.
4 PROSPECTIVE JUROR NO. 023: 21 years.
5 THE COURT: How far did you go in school?
6 PROSPECTIVE JUROR NO. 023: Bachelor's degree.
7 THE COURT: What is your occupation?
8 PROSPECTIVE JUROR NO. 023: Sales and marketing.
9 THE COURT: What is your marital status?
10 PROSPECTIVE JUROR NO. 023: Married.
11 THE COURT: What is the occupation of your spouse?
12 PROSPECTIVE JUROR NO. 023: She's an accountant.
13 THE COURT: And self-employed, or for what firm?
14 PROSPECTIVE JUROR NO. 023: For Walters Bayer Auto
15 Group.
16 THE COURT: Do you have any children?
17 PROSPECTIVE JUROR NO. 023: Yes, two. 10 and 7.
18 THE COURT: Have you ever served as a juror before?
19 PROSPECTIVE JUROR NO. 023: No.
20 THE COURT: Have you ever testified as witness in a criminal
21 case?
22 PROSPECTIVE JUROR NO. 023: No.
23 THE COURT: Have you or a close family member ever been
24 convicted of a crime?
25 PROSPECTIVE JUROR NO. 023: No.

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

3 PROSPECTIVE JUROR NO. 023: Yes.

4 THE COURT: And who was that?

5 PROSPECTIVE JUROR NO. 023: Mother and father.
6 Burglary.

7 THE COURT: And was that here in Clark County, Nevada?

8 PROSPECTIVE JUROR NO. 023: Clairemont, California.

9 THE COURT: And when was that, sir?

10 PROSPECTIVE JUROR NO. 023: Maybe 7 to 10 years ago.

11 THE COURT: And do you know if it was investigated by law
12 enforcement?

13 PROSPECTIVE JUROR NO. 023: Yes.

14 THE COURT: Were you satisfied with the investigation?

15 PROSPECTIVE JUROR NO. 023: Yeah.

16 THE COURT: Do you know if anybody was ever arrested?

17 PROSPECTIVE JUROR NO. 023: No.

18 THE COURT: Do you blame law enforcement for that?

19 PROSPECTIVE JUROR NO. 023: No.

20 THE COURT: Do you have any close relatives or friends who
21 have ever been engaged in law enforcement?

22 PROSPECTIVE JUROR NO. 023: Yes.

23 THE COURT: And who was that, sir?

24 PROSPECTIVE JUROR NO. 023: Brother-in-law.

25 THE COURT: And is that locally or out of state?

1 PROSPECTIVE JUROR NO. 023: Out of state.
2 THE COURT: And what is the agency?
3 PROSPECTIVE JUROR NO. 023: Covina, California, police.
4 THE COURT: And do you discuss with your brother-in-law
5 anything about his job or her job?
6 PROSPECTIVE JUROR NO. 023: No. They don't discuss
7 much of anything.
8 THE COURT: Huh?
9 PROSPECTIVE JUROR NO. 023: They don't discuss much
10 of anything.
11 THE COURT: All right. So it's your brother-in-law who lives
12 out of state?
13 PROSPECTIVE JUROR NO. 023: Yes.
14 THE COURT: Okay. Does your knowledge about that
15 person's job affect your ability to be fair and impartial in this case?
16 PROSPECTIVE JUROR NO. 023: No.
17 THE COURT: I'm getting hard of hearing --
18 PROSPECTIVE JUROR NO. 023: I'm sorry, no.
19 THE COURT: -- because I couldn't tell if it was mother-in-law
20 or brother-in-law.
21 PROSPECTIVE JUROR NO. 023: Brother-in-law.
22 THE COURT: That's how bad I'm getting.
23 PROSPECTIVE JUROR NO. 023: Brother.
24 THE COURT: So it was a brother-in-law, correct?
25 PROSPECTIVE JUROR NO. 023: Yes.

1 THE COURT: Thank you. Do you agree that if you are
2 chosen to serve a juror in this case, that you will honor your duty to be
3 completely fair and impartial and to listen carefully to all of the evidence
4 before you make your decision?

5 PROSPECTIVE JUROR NO. 023: Yes.

6 THE COURT: Thank you. If you could pass the microphone.
7 Ma'am, what is your name and badge number?

8 PROSPECTIVE JUROR NO. 025: Tamiko Keyes,
9 Badge No. 25.

10 THE COURT: How long have you lived in Clark County,
11 Nevada?

12 PROSPECTIVE JUROR NO. 025: Since 2008.

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

14 PROSPECTIVE JUROR NO. 025: Some college.

15 THE COURT: What is your occupation?

16 PROSPECTIVE JUROR NO. 025: Nurse.

17 THE COURT: What is your marital status?

18 PROSPECTIVE JUROR NO. 025: Married.

19 THE COURT: What is the occupation of your spouse?

20 PROSPECTIVE JUROR NO. 025: Direct support care worker.
21 He works with special-needs adults.

22 THE COURT: Do you have any children?

23 PROSPECTIVE JUROR NO. 025: I have two.

24 THE COURT: How old are they?

25 PROSPECTIVE JUROR NO. 025: 27 and 28.

1 THE COURT: And as to the oldest child, what does he or she
2 do for a living?

3 PROSPECTIVE JUROR NO. 025: My oldest is disabled. And
4 my youngest is a stay-at-home mom.

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

6 PROSPECTIVE JUROR NO. 025: No.

7 THE COURT: Have you ever testified as a witness in a
8 criminal case?

9 PROSPECTIVE JUROR NO. 025: No.

10 THE COURT: Have you or a close family member ever been
11 convicted of a crime?

12 PROSPECTIVE JUROR NO. 025: How close?

13 THE COURT: I'm sorry?

14 PROSPECTIVE JUROR NO. 025: How close of a family
15 member? I have cousins that have gotten in trouble. That's about it.

16 THE COURT: Do they live here?

17 PROSPECTIVE JUROR NO. 025: California.

18 THE COURT: So it wasn't -- they weren't investigated or had
19 anything to do with law enforcement locally?

20 PROSPECTIVE JUROR NO. 025: No.

21 THE COURT: Do you believe the fact that your cousins may
22 have been convicted of a crime, is that going to make it difficult for you
23 to be fair and impartial to both sides in this case?

24 PROSPECTIVE JUROR NO. 025: No.

25 THE COURT: Have you or a close family member ever been

1 the victim of a crime?

2 PROSPECTIVE JUROR NO. 025: No.

3 THE COURT: Do you have -- do you have any close relatives
4 or friends who have ever been engaged in law enforcement?

5 PROSPECTIVE JUROR NO. 025: No.

6 THE COURT: Do you agree that if you are chosen to serve as
7 a juror in this case, that you will honor your duty to be completely fair
8 and impartial and to listen carefully to all of the evidence before you
9 make a decision?

10 PROSPECTIVE JUROR NO. 025: Yes.

11 THE COURT: Thank you, ma'am. If you could pass the
12 microphone.

13 Sir --

14 PROSPECTIVE JUROR NO. 026: Eric Geisler.

15 THE COURT: Oh, you already -- see, you all are catching on.

16 PROSPECTIVE JUROR NO. 026: Eric Geisler, Badge 26.

17 THE COURT: How long have you lived in Clark County,
18 Nevada?

19 PROSPECTIVE JUROR NO. 026: 2008.

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

21 PROSPECTIVE JUROR NO. 026: Master's.

22 THE COURT: What is your occupation?

23 PROSPECTIVE JUROR NO. 026: Construction executive.

24 THE COURT: With what company?

25 PROSPECTIVE JUROR NO. 026: Charlotte [phonetic]

1 Construction.

2 THE COURT: What is your marital status?

3 PROSPECTIVE JUROR NO. 026: Single.

4 THE COURT: Do you have any children?

5 PROSPECTIVE JUROR NO. 026: No.

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

7 PROSPECTIVE JUROR NO. 026: No.

8 THE COURT: Have you ever testified as a witness in a
9 criminal case?

10 PROSPECTIVE JUROR NO. 026: No.

11 THE COURT: Have you or a close family member ever been
12 convicted of a crime?

13 PROSPECTIVE JUROR NO. 026: Yes. DUI.

14 THE COURT: I'm sorry?

15 PROSPECTIVE JUROR NO. 026: DUI.

16 THE COURT: And was that -- did you -- were you the person
17 that had the DUI?

18 PROSPECTIVE JUROR NO. 026: Yes.

19 THE COURT: And was that here in Clark County, Nevada?

20 PROSPECTIVE JUROR NO. 026: Yes.

21 THE COURT: And when was that, sir?

22 PROSPECTIVE JUROR NO. 026: 2011.

23 THE COURT: Do you remember what agency arrested you?

24 PROSPECTIVE JUROR NO. 026: Metro.

25 THE COURT: Okay. And did you go to trial?

1 PROSPECTIVE JUROR NO. 026: Not trial.
2 THE COURT: Okay. And do you remember who prosecuted
3 the case?

4 PROSPECTIVE JUROR NO. 026: No.

5 THE COURT: Do you know if it was a municipality? Or was
6 it --

7 PROSPECTIVE JUROR NO. 026: It was Las Vegas.

8 THE COURT: Las Vegas Municipal Court?

9 PROSPECTIVE JUROR NO. 026: Yeah.

10 THE COURT: Is there anything about that experience where
11 you cannot be fair and impartial to both sides in this case?

12 PROSPECTIVE JUROR NO. 026: No.

13 THE COURT: Have you or a close family member ever been
14 the victim of a crime?

15 PROSPECTIVE JUROR NO. 026: No.

16 THE COURT: Do you have any close relatives or friends who
17 have ever been engaged in law enforcement?

18 PROSPECTIVE JUROR NO. 026: No.

19 THE COURT: Do you agree that if you are chosen to serve as
20 a juror in this case that you will honor your duty to be completely fair and
21 impartial --

22 PROSPECTIVE JUROR NO. 026: Yes.

23 THE COURT: -- and to listen carefully to all the evidence
24 before you make a decision?

25 PROSPECTIVE JUROR NO. 026: Yes.

1 THE COURT: Thank you. If you could pass the microphone
2 to my marshal.

3 If you could state your name and badge number, please.

4 PROSPECTIVE JUROR NO. 028: Leticia Rojas, Number 28.

5 THE COURT: How long have you lived in Clark County,
6 Nevada?

7 PROSPECTIVE JUROR NO. 028: My whole life. So 23
8 years.

9 THE COURT: I have a joke there about shoes being older
10 than you are, but --

11 PROSPECTIVE JUROR NO. 028: What?

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

13 PROSPECTIVE JUROR NO. 028: High school.

14 THE COURT: What is your occupation?

15 PROSPECTIVE JUROR NO. 028: I'm a veterinarian
16 assistant.

17 THE COURT: And for who?

18 PROSPECTIVE JUROR NO. 028: Durango Animal Hospital.

19 THE COURT: What is your marital status?

20 PROSPECTIVE JUROR NO. 028: Single.

21 THE COURT: Do you have any children?

22 PROSPECTIVE JUROR NO. 028: No.

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

25 PROSPECTIVE JUROR NO. 028: No.

1 THE COURT: Have you ever testified as a witness in a
2 criminal case?

3 PROSPECTIVE JUROR NO. 028: No.

4 THE COURT: Have you or a close family member ever been
5 convicted of a crime?

6 PROSPECTIVE JUROR NO. 028: No.

7 THE COURT: Have you or a close family member ever been
8 the victim of a crime?

9 PROSPECTIVE JUROR NO. 028: I mean, I've had my
10 windows -- my car windows smashed it and my purse stolen.

11 THE COURT: Okay. Did you call law enforcement?

12 PROSPECTIVE JUROR NO. 028: Yes.

13 THE COURT: Did they investigate?

14 PROSPECTIVE JUROR NO. 028: No.

15 THE COURT: I'm sorry?

16 PROSPECTIVE JUROR NO. 028: No.

17 THE COURT: Did that upset you that they wouldn't
18 investigate?

19 PROSPECTIVE JUROR NO. 028: Yeah. But I figured there's
20 more important things in the world.

21 THE COURT: Is there anything about that experience with
22 law enforcement that would make it difficult for you to be fair and
23 impartial to both sides in this case?

24 PROSPECTIVE JUROR NO. 028: No.

25 THE COURT: Do you have any close relatives or friends who

1 have ever been engaged in law enforcement?

2 PROSPECTIVE JUROR NO. 028: No.

3 THE COURT: Do you agree that if you are chosen to serve as
4 a juror in this case, that you will honor your duty to be completely fair
5 and impartial and listen carefully to all of the evidence before you make
6 a decision?

7 PROSPECTIVE JUROR NO. 028: Yes.

8 THE COURT: If you could pass the microphone.

9 Sir, please state your name and badge number.

10 PROSPECTIVE JUROR NO. 031: Anthony Pope,
11 Badge No. 31.

12 THE COURT: How long have you lived in Clark County,
13 Nevada?

14 PROSPECTIVE JUROR NO. 031: 17 years.

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

16 PROSPECTIVE JUROR NO. 031: GED.

17 THE COURT: What is your occupation?

18 PROSPECTIVE JUROR NO. 031: I'm a union engineer and a
19 nightclub worker.

20 THE COURT: What is your marital status?

21 PROSPECTIVE JUROR NO. 031: Married.

22 THE COURT: What is the occupation of your spouse?

23 PROSPECTIVE JUROR NO. 031: Stay-at-home mom.

24 THE COURT: Do you have any children?

25 PROSPECTIVE JUROR NO. 031: Yes, four.

1 THE COURT: How old are they?
2 PROSPECTIVE JUROR NO. 031: 15, 10, 9, and 3 months.
3 THE COURT: Thank you. Have you ever served as a juror
4 before?
5 PROSPECTIVE JUROR NO. 031: No, I have not.
6 THE COURT: Have you ever testified as a witness in a
7 criminal case?
8 PROSPECTIVE JUROR NO. 031: No.
9 THE COURT: Have you or a close family member ever been
10 convicted of a crime?
11 PROSPECTIVE JUROR NO. 031: No.
12 THE COURT: Have you or a close family member ever been
13 the victim of a crime?
14 PROSPECTIVE JUROR NO. 031: Yes.
15 THE COURT: And who was that, sir?
16 PROSPECTIVE JUROR NO. 031: My uncle raised me from
17 elementary until high school. And he was a homosexual, and he was
18 beaten severely in California.
19 THE COURT: Do you know if that crime was investigated?
20 PROSPECTIVE JUROR NO. 031: I don't know. I don't know
21 much about it. I moved out right after high school, out here to live with
22 my father.
23 THE COURT: Is there anything about that experience that
24 would make it difficult for you to be fair and impartial to both sides in this
25 case?

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PROSPECTIVE JUROR NO. 031: No.

THE COURT: Do you have any close relatives or friends who have ever been engaged in law enforcement?

PROSPECTIVE JUROR NO. 031: The only reason I moved on my street was because there's four police officers.

THE COURT: Are you friends with them?

PROSPECTIVE JUROR NO. 031: Yes.

THE COURT: Do you ever discuss their jobs?

PROSPECTIVE JUROR NO. 031: Yes.

THE COURT: Is your knowledge about your neighbors' jobs who are law enforcement affect your ability to be fair and impartial in this case?

PROSPECTIVE JUROR NO. 031: No.

THE COURT: Do you agree that if you are chosen to serve as a juror in this case, that you would honor your duty to be completely fair and impartial and to listen carefully to all the evidence before you made a decision?

PROSPECTIVE JUROR NO. 031: I do.

THE COURT: Could you pass the microphone, please.

PROSPECTIVE JUROR NO. 031: Yes.

THE COURT: Ma'am, if you could state your name and badge number.

PROSPECTIVE JUROR NO. 033: Lisa Miller-Roche, Number 33.

THE COURT: How long have you lived in Clark County,

1 Nevada?

2 PROSPECTIVE JUROR NO. 033: 58 years.

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

4 PROSPECTIVE JUROR NO. 033: Juris Doctorate.

5 THE COURT: From what law school?

6 PROSPECTIVE JUROR NO. 033: University of San Diego.

7 THE COURT: What is your occupation?

8 PROSPECTIVE JUROR NO. 033: I'm a retired attorney.

9 THE COURT: Here locally?

10 PROSPECTIVE JUROR NO. 033: Yes.

11 THE COURT: What areas did you practice in?

12 PROSPECTIVE JUROR NO. 033: Mostly gaming. I was with
13 the attorney general's office, the Gaming Division, and in a corporate
14 private practice.

15 THE COURT: What is your marital status?

16 PROSPECTIVE JUROR NO. 033: Divorced.

17 THE COURT: What was the occupation of your ex-spouse?

18 PROSPECTIVE JUROR NO. 033: CPA.

19 THE COURT: Do you have any children?

20 PROSPECTIVE JUROR NO. 033: Yes, one.

21 THE COURT: How old is that child?

22 PROSPECTIVE JUROR NO. 033: He's 25.

23 THE COURT: What does he or she do for a living?

24 PROSPECTIVE JUROR NO. 033: He's in graduate school.

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

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PROSPECTIVE JUROR NO. 033: No.

THE COURT: Have you ever testified as a witness in a criminal case?

PROSPECTIVE JUROR NO. 033: No.

THE COURT: Have you or a close family member ever been convicted of a crime?

PROSPECTIVE JUROR NO. 033: No.

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

PROSPECTIVE JUROR NO. 033: Yes.

THE COURT: And what was the crime?

PROSPECTIVE JUROR NO. 033: My parents' home was burglarized a couple times.

THE COURT: Were they present at any of the burglaries?

PROSPECTIVE JUROR NO. 033: No.

THE COURT: Were the burglaries investigated by law enforcement?

PROSPECTIVE JUROR NO. 033: Yes.

THE COURT: And was that here in Clark County, Nevada?

PROSPECTIVE JUROR NO. 033: Yes.

THE COURT: Were you satisfied with law enforcement's investigation of those burglaries?

PROSPECTIVE JUROR NO. 033: Yes.

THE COURT: Was anybody ever arrested?

PROSPECTIVE JUROR NO. 033: No.

1 THE COURT: Do you blame law enforcement for that?

2 PROSPECTIVE JUROR NO. 033: No.

3 THE COURT: Do you have any close relatives or friends who
4 have ever been engaged in law enforcement?

5 PROSPECTIVE JUROR NO. 033: Friends.

6 THE COURT: Friends or close friends?

7 PROSPECTIVE JUROR NO. 033: Well, they're friends --
8 when I was with the attorney general's office at the Gaming Division, you
9 know, I was -- part of my responsibilities were advising the enforcement
10 agents. Plus, there was always at least one sitting member of the board
11 who was a police officer. So I worked closely with two fairly senior
12 police officers.

13 THE COURT: Other than the issues with your -- regarding
14 your employment being with the attorney general's office, do you ever
15 talk to them about any cases they were handling?

16 PROSPECTIVE JUROR NO. 033: No. I mean, you know, we
17 always heard all kinds of stories. But, you know, beyond that, no.

18 THE COURT: Does your knowledge about those persons' job
19 affect your ability to be fair and impartial in this case?

20 PROSPECTIVE JUROR NO. 033: No.

21 THE COURT: Do you agree that if you are chosen to serve as
22 a juror in this case, that you will honor your duty to be completely fair
23 and impartial and to listen carefully to all the evidence before you make
24 a decision?

25 PROSPECTIVE JUROR NO. 033: Yes.

1 THE COURT: If you could pass the microphone, please.
2 Sir, if you could state your name and your badge number.
3 PROSPECTIVE JUROR NO. 036: Stephen Fritz,
4 Number 36. 41 years.
5 How long -- you've lived in Clark County, Nevada, 41 years?
6 PROSPECTIVE JUROR NO. 036: Yes.
7 THE COURT: How far did you go in school?
8 PROSPECTIVE JUROR NO. 036: Post-master's degree.
9 THE COURT: And what is your occupation?
10 PROSPECTIVE JUROR NO. 036: I'm retired.
11 THE COURT: And before you retired, what did you do?
12 PROSPECTIVE JUROR NO. 036: Corporate training
13 manager.
14 THE COURT: Where at?
15 PROSPECTIVE JUROR NO. 036: Venetian and MGM.
16 THE COURT: What is your marital status?
17 PROSPECTIVE JUROR NO. 036: Married.
18 THE COURT: What is the occupation of your spouse?
19 PROSPECTIVE JUROR NO. 036: Retired from mortgage
20 lending.
21 THE COURT: Do you have any children?
22 PROSPECTIVE JUROR NO. 036: No.
23 THE COURT: Have you ever served as a juror before?
24 PROSPECTIVE JUROR NO. 036: Yes.
25 THE COURT: And where was that?

1 PROSPECTIVE JUROR NO. 036: Here.
2 THE COURT: Clark County, Nevada?
3 PROSPECTIVE JUROR NO. 036: Yes.
4 THE COURT: Was it a civil or criminal matter?
5 PROSPECTIVE JUROR NO. 036: Criminal.
6 THE COURT: Without telling me the verdict, did the jury
7 reach a verdict?
8 PROSPECTIVE JUROR NO. 036: Yes.
9 THE COURT: Were you the foreperson?
10 PROSPECTIVE JUROR NO. 036: No.
11 THE COURT: Is there anything about that experience that
12 would affect your ability to be fair and impartial in this case?
13 PROSPECTIVE JUROR NO. 036: No.
14 THE COURT: Have you ever testified as witness in a criminal
15 case?
16 PROSPECTIVE JUROR NO. 036: No.
17 THE COURT: Have you or a close family member ever been
18 convicted of a crime?
19 PROSPECTIVE JUROR NO. 036: Yes.
20 THE COURT: And who was that, sir?
21 PROSPECTIVE JUROR NO. 036: Brothers.
22 THE COURT: How -- you said plural, so I'm going to ask how
23 many.
24 PROSPECTIVE JUROR NO. 036: At least two.
25 THE COURT: Two brothers?

1 PROSPECTIVE JUROR NO. 036: Yeah.
2 THE COURT: Was that here in Clark County, Nevada?
3 PROSPECTIVE JUROR NO. 036: No.
4 THE COURT: Where was that?
5 PROSPECTIVE JUROR NO. 036: Philadelphia.
6 THE COURT: How long ago?
7 PROSPECTIVE JUROR NO. 036: 20 years.
8 THE COURT: Okay. Is there anything you want to tell me
9 about that or just the fact that they were convicted?
10 PROSPECTIVE JUROR NO. 036: They were convicted of
11 burglary, larceny, receiving stolen goods, conspiracy, possession, use,
12 and selling.
13 THE COURT: Were they prosecuted and convicted and --
14 PROSPECTIVE JUROR NO. 036: Yes.
15 THE COURT: Both of them?
16 PROSPECTIVE JUROR NO. 036: Uh-huh.
17 THE COURT: In the same case?
18 PROSPECTIVE JUROR NO. 036: Yes.
19 THE COURT: And do you believe that experience would
20 make it difficult for you to be fair and impartial to both sides in this case,
21 or could you be fair and impartial?
22 PROSPECTIVE JUROR NO. 036: I can be fair.
23 THE COURT: To both sides?
24 PROSPECTIVE JUROR NO. 036: Yes.
25 THE COURT: Have you or a close family member ever been

1 the victim of a crime?

2 PROSPECTIVE JUROR NO. 036: No.

3 THE COURT: Do you have any close relatives or friends that
4 have ever been engaged in law enforcement?

5 PROSPECTIVE JUROR NO. 036: No.

6 THE COURT: Do you agree that if you are chosen to serve as
7 a juror in any case, that you will honor your duty to be completely fair
8 and impartial and to listen carefully to all the evidence before you make
9 a decision?

10 PROSPECTIVE JUROR NO. 036: Yes.

11 THE COURT: If you could pass the microphone, please.

12 Sir, if you could state your name and badge number.

13 PROSPECTIVE JUROR NO. 038: Gerald Troller,
14 Badge No. 38. I've been in Las Vegas for about 30 years.

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

16 PROSPECTIVE JUROR NO. 038: Some college.

17 THE COURT: What is your occupation?

18 PROSPECTIVE JUROR NO. 038: My group trains first
19 responders to deal with a weapon of mass destruction -- radiological,
20 nuclear.

21 THE COURT: And who are you employed by?

22 PROSPECTIVE JUROR NO. 038: Department of -- a
23 contractor for the Department of Energy.

24 THE COURT: What is your marital status?

25 PROSPECTIVE JUROR NO. 038: Married.

1 THE COURT: What is the occupation of your spouse?
2 PROSPECTIVE JUROR NO. 038: She's a homemaker. A
3 great one.
4 THE COURT: Do you have any children?
5 PROSPECTIVE JUROR NO. 038: Four.
6 THE COURT: Are they adults?
7 PROSPECTIVE JUROR NO. 038: Yes, they are.
8 THE COURT: Okay. Starting with the oldest one and going to
9 the youngest, what do they do for a living?
10 PROSPECTIVE JUROR NO. 038: Okay. One's a -- the
11 oldest one is 47, and he's a disabled construction worker. I've a got
12 a 45-year-old daughter that's a schoolteacher in Clark County,
13 sixth-grade math teacher. I've got a son in Tennessee. I forget his age.
14 It'll come to me. But anyhow, he's in Tennessee, and he, basically,
15 drives a cab. And then my youngest son is a respiratory therapist in
16 Clark County here.
17 THE COURT: Thank you. Have you ever served as a juror
18 before?
19 PROSPECTIVE JUROR NO. 038: No.
20 THE COURT: Have you ever testified as a witness in a
21 criminal case?
22 PROSPECTIVE JUROR NO. 038: No.
23 THE COURT: Have you or a close family member ever been
24 convicted of a crime?
25 PROSPECTIVE JUROR NO. 038: No.

1 THE COURT: Have you or a close family member ever been
2 the --

3 PROSPECTIVE JUROR NO. 038: Yes.

4 THE COURT: -- victim of a crime?

5 PROSPECTIVE JUROR NO. 038: Yes.

6 THE COURT: And who was that, sir?

7 PROSPECTIVE JUROR NO. 038: So my wife and I and
8 family were burglarized a long time ago, about 30 years ago.

9 THE COURT: Was that here in Clark County, Nevada?

10 PROSPECTIVE JUROR NO. 038: No. It was in -- just before
11 we came here.

12 THE COURT: And where was that?

13 PROSPECTIVE JUROR NO. 038: North Carolina.

14 THE COURT: And was it investigated by law enforcement?

15 PROSPECTIVE JUROR NO. 038: It was.

16 THE COURT: Was anybody ever arrested?

17 PROSPECTIVE JUROR NO. 038: No.

18 THE COURT: Were you satisfied with law enforcement's
19 investigation of the case?

20 PROSPECTIVE JUROR NO. 038: Yes.

21 THE COURT: Do you have any close relatives or friends who
22 have ever been engaged in law enforcement?

23 PROSPECTIVE JUROR NO. 038: My son-in-law's a Metro
24 sergeant.

25 THE COURT: And do you speak with him regularly?

1 PROSPECTIVE JUROR NO. 038: Regularly.

2 THE COURT: Do you talk about any matters he may be
3 working on?

4 PROSPECTIVE JUROR NO. 038: Not much. Occasionally.

5 THE COURT: And does your knowledge about your
6 son-in-law's job affect your ability to be fair and impartial in this case?

7 PROSPECTIVE JUROR NO. 038: No.

8 THE COURT: Do you agree that if you are chosen to serve as
9 a juror in this case, that you will honor your duty to be completely fair
10 and impartial and to listen carefully to all of the evidence before you
11 make a decision?

12 PROSPECTIVE JUROR NO. 038: Yes.

13 THE COURT: Thank you. If you could pass the microphone,
14 please.

15 Ma'am, if you could state your name and badge number.

16 PROSPECTIVE JUROR NO. 039: Pamela Adams, 39. Been
17 here for 12 years.

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

19 PROSPECTIVE JUROR NO. 039: Associate's.

20 THE COURT: What is your occupation?

21 PROSPECTIVE JUROR NO. 039: Enrollment counselor.

22 THE COURT: And who are you employed by?

23 PROSPECTIVE JUROR NO. 039: Saint Leo University.

24 THE COURT: What is your marital status?

25 PROSPECTIVE JUROR NO. 039: Single. No children.

1 THE COURT: Now, you guys can say it back to me.
2 Have you ever served as a juror before?
3 PROSPECTIVE JUROR NO. 039: Yes, I have. Civil.
4 THE COURT: It was a civil case?
5 PROSPECTIVE JUROR NO. 039: Yes, sir.
6 THE COURT: And was it here in Clark County, Nevada?
7 PROSPECTIVE JUROR NO. 039: No, sir.
8 THE COURT: And where was it at?
9 PROSPECTIVE JUROR NO. 039: It was in Alameda County,
10 Oakland -- I mean, California.
11 THE COURT: Okay. And without telling me the verdict, did
12 you -- did the jury reach a verdict?
13 PROSPECTIVE JUROR NO. 039: We did.
14 THE COURT: Were you the foreperson?
15 PROSPECTIVE JUROR NO. 039: I was not.
16 THE COURT: Is there anything about that experience that
17 would affect your ability to be fair and impartial in this case?
18 PROSPECTIVE JUROR NO. 039: No, sir.
19 THE COURT: Have you ever testified as a witness in a
20 criminal case?
21 PROSPECTIVE JUROR NO. 039: No, sir.
22 THE COURT: Have you or a close family member ever been
23 convicted of a crime?
24 PROSPECTIVE JUROR NO. 039: My cousin.
25 THE COURT: Okay. Is that here in Clark County, Nevada?

1 PROSPECTIVE JUROR NO. 039: No. It was there in
2 California.

3 THE COURT: Do you know what your cousin was convicted
4 of?

5 PROSPECTIVE JUROR NO. 039: I think it was burglary.

6 THE COURT: All right. Do you know any facts or anything
7 about it?

8 PROSPECTIVE JUROR NO. 039: I do not.

9 THE COURT: Okay. And is there anything about the fact that
10 your cousin was convicted of a crime that would make it difficult for you
11 to be fair and impartial to both sides in this case?

12 PROSPECTIVE JUROR NO. 039: No, sir.

13 THE COURT: Have you ever been -- have you or a close
14 family member ever been the victim of a crime?

15 PROSPECTIVE JUROR NO. 039: I have. Burglarized,
16 vandalized my car.

17 THE COURT: Burglarized usually deals with a house. Was
18 your house burglarized or just your --

19 PROSPECTIVE JUROR NO. 039: The house and my car was
20 burglarized.

21 THE COURT: The house and your car?

22 PROSPECTIVE JUROR NO. 039: Yes.

23 THE COURT: And was that here in Clark County, Nevada?

24 PROSPECTIVE JUROR NO. 039: No, sir. It was in Alameda
25 County in California.

1 THE COURT: All right. And were they -- were those crimes
2 investigated by law enforcement?

3 PROSPECTIVE JUROR NO. 039: No, they weren't.

4 THE COURT: Was there anything about that experience
5 that's going to -- where you believe you couldn't be fair and impartial to
6 both sides in this case?

7 PROSPECTIVE JUROR NO. 039: Not really.

8 THE COURT: Do you have any close relatives or friends who
9 have ever been engaged in law enforcement?

10 PROSPECTIVE JUROR NO. 039: No.

11 THE COURT: Do you agree that if you are chosen to serve as
12 a juror in this case, that you would be -- that you would honor your duty
13 to be completely fair and impartial and to listen -- and to listen carefully
14 to all of the evidence before you make a decision?

15 PROSPECTIVE JUROR NO. 039: Yes.

16 THE COURT: Thank you. If you could pass the microphone.

17 Ma'am, if you could state your name and badge number.

18 PROSPECTIVE JUROR NO. 040: Jacqueline Johnson,
19 Number 40.

20 THE COURT: How long have you lived in Clark County,
21 Nevada?

22 PROSPECTIVE JUROR NO. 040: 25 years.

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

24 PROSPECTIVE JUROR NO. 040: Currently seeking my
25 bachelor at UNLV.

1 THE COURT: Are you employed?
2 PROSPECTIVE JUROR NO. 040: Yes.
3 THE COURT: And what do you do for a living?
4 PROSPECTIVE JUROR NO. 040: I'm a retail area manager
5 for a shoe company called Boot World.
6 THE COURT: What is your marital status?
7 PROSPECTIVE JUROR NO. 040: Married.
8 THE COURT: What is the occupation of your spouse?
9 PROSPECTIVE JUROR NO. 040: He's a quality assurance
10 manager for a NSAL [phonetic] health company.
11 THE COURT: Do you have any children?
12 PROSPECTIVE JUROR NO. 040: Two.
13 THE COURT: How old are they?
14 PROSPECTIVE JUROR NO. 040: Two years old, and 10
15 months.
16 THE COURT: Have you ever served as a juror before?
17 PROSPECTIVE JUROR NO. 040: No.
18 THE COURT: Have you ever testified as witness in a criminal
19 case?
20 PROSPECTIVE JUROR NO. 040: No.
21 THE COURT: Have you or a close family member ever been
22 convicted of a crime?
23 PROSPECTIVE JUROR NO. 040: Yes.
24 THE COURT: And what was that, ma'am?
25 PROSPECTIVE JUROR NO. 040: My sister here in Clark

1 County. She's -- drug possession, drug use, fraud, theft, and identity
2 theft.

3 THE COURT: Okay. And do you know what agency
4 prosecuted her?

5 PROSPECTIVE JUROR NO. 040: North Las Vegas, Clark
6 County, and Henderson.

7 THE COURT: Is there anything about the fact that -- it was
8 your sister who's been convicted of those crimes -- is there anything
9 about that experience that would make it difficult for you to be fair and
10 impartial to both sides in this case?

11 PROSPECTIVE JUROR NO. 040: Absolutely not. I do not
12 have any contacts with her.

13 THE COURT: And do you or a close family member ever
14 been the victim of a crime?

15 PROSPECTIVE JUROR NO. 040: I have. Identity theft.

16 THE COURT: And was that here in Clark County, Nevada?

17 PROSPECTIVE JUROR NO. 040: Yes.

18 THE COURT: Was that investigated by law enforcement?

19 PROSPECTIVE JUROR NO. 040: Yes.

20 THE COURT: And do you know what the agency was?

21 PROSPECTIVE JUROR NO. 040: I'm pretty sure it was Clark
22 County.

23 THE COURT: Metro?

24 PROSPECTIVE JUROR NO. 040: Yes.

25 THE COURT: All right. Was anybody ever arrested?

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PROSPECTIVE JUROR NO. 040: No.

THE COURT: Do you blame law enforcement for that?

PROSPECTIVE JUROR NO. 040: No.

THE COURT: Do you have any close relatives or friends who have ever been engaged in law enforcement?

PROSPECTIVE JUROR NO. 040: I have a friend whose newly husband is with Metro.

THE COURT: Do you speak with that person about their job?

PROSPECTIVE JUROR NO. 040: No.

THE COURT: Is there anything about the fact that that person is with Metro that would affect your ability to be fair and impartial in this case?

PROSPECTIVE JUROR NO. 040: No.

THE COURT: Do you agree that if you are chosen to serve as a juror in this case, that you will honor your duty to be completely fair and impartial and to listen carefully to all of the evidence before you make a decision?

PROSPECTIVE JUROR NO. 040: Yes.

THE COURT: Will you pass the microphone, please.

Sir, if you could state your name and badge number.

PROSPECTIVE JUROR NO. 041: Zachary Messer, Badge 41.

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

PROSPECTIVE JUROR NO. 041: 2008.

1 THE COURT: How far did you go in school?
2 PROSPECTIVE JUROR NO. 041: Bachelor's.
3 THE COURT: What is your occupation?
4 PROSPECTIVE JUROR NO. 041: I was scheduled to start a
5 job this coming Monday as a senior director of corporate finance.
6 THE COURT: And what company?
7 PROSPECTIVE JUROR NO. 041: Scientific Games.
8 THE COURT: What is your marital status?
9 PROSPECTIVE JUROR NO. 041: Married.
10 THE COURT: What is the occupation of your spouse?
11 PROSPECTIVE JUROR NO. 041: HR business partner at
12 Pinnacle Entertainment.
13 THE COURT: Do you have any children?
14 PROSPECTIVE JUROR NO. 041: No.
15 THE COURT: Have you ever served as a juror before?
16 PROSPECTIVE JUROR NO. 041: No.
17 THE COURT: Have you ever testified as a witness in a
18 criminal case?
19 PROSPECTIVE JUROR NO. 041: No.
20 THE COURT: Have you or a close family member ever been
21 convicted of a crime?
22 PROSPECTIVE JUROR NO. 041: No.
23 THE COURT: Have you or a close family member ever been
24 the victim of a crime?
25 PROSPECTIVE JUROR NO. 041: Yes.

1 THE COURT: Who was that?

2 PROSPECTIVE JUROR NO. 041: Well, my family.

3 Roughly 25 years ago. It was a home burglary.

4 THE COURT: Was anybody home?

5 PROSPECTIVE JUROR NO. 041: No. We were on vacation.

6 THE COURT: Was it investigated by law enforcement?

7 PROSPECTIVE JUROR NO. 041: It was.

8 THE COURT: Do you know what agency?

9 PROSPECTIVE JUROR NO. 041: I don't. And I should

10 specify it wasn't here. It was in Lafayette, California.

11 THE COURT: Okay. Was anybody ever arrested?

12 PROSPECTIVE JUROR NO. 041: Not to my knowledge.

13 THE COURT: Do you blame law enforcement for that?

14 PROSPECTIVE JUROR NO. 041: No.

15 THE COURT: Do you have any close relatives or friends who

16 have ever been engaged in law enforcement?

17 PROSPECTIVE JUROR NO. 041: No.

18 THE COURT: Do you agree that if you are chosen to serve as

19 a juror in this case, that you will honor your duty to be completely fair

20 and impartial and to listen carefully to all of the evidence before you

21 make a decision?

22 PROSPECTIVE JUROR NO. 041: Yes.

23 THE COURT: The attorneys are now going to proceed to ask

24 some questions.

25 The State, you may proceed.

1 MR. GIORDANI: Thank you, Your Honor.

2 Good afternoon everybody. I'm John Giordani. I'm
3 Ms. Beverly's co-counsel in this case. I'm with the DA's office.

4 As much of you gathered, we're addressing these first 24
5 people here for now. Some of you, though, in the back, you may end up
6 in this first 24. So just pay attention so we don't have to duplicate all the
7 questions.

8 So far the judge has asked you several questions that bear on
9 three important things, and they're the only things that matter in this
10 whole process here: That's whether you can be fair, impartial, and
11 follow the law.

12 We want people from different walks of life. We want people
13 with different backgrounds and experiences. That's what makes up a
14 good jury. The common thread is we want to start on an even playing
15 field with the defense and vice versa. They want to start on an even
16 playing field with us.

17 So the judge asked you several questions bearing on law
18 enforcement, and I want to take it a couple steps further.

19 First off, the judge asked you if you had any friends or family
20 who were in law enforcement. There were several responses. I'm going
21 to get to you individually in a moment.

22 But I want to ask the whole panel here of 24 is, is anyone on
23 this first 24 have strong feelings one way or another about law
24 enforcement in general?

25 Ma'am, let me get the microphone up to you. And your badge

1 number was 7, correct?

2 PROSPECTIVE JUROR NO. 007: Yes.

3 MR. GIORDANI: And it's Ms. Willis, right?

4 PROSPECTIVE JUROR NO. 007: Yes.

5 MR. GIORDANI: Go ahead, ma'am. What are your strong
6 feelings about law enforcement?

7 PROSPECTIVE JUROR NO. 008: My strong feelings are that
8 all of the time, the evidence is not weighed correctly, that sometimes,
9 there's tampered evidence. Also, I have an issue when innocent people
10 are sent to jail.

11 MR. GIORDANI: So do I. Perfect.

12 PROSPECTIVE JUROR NO. 007: And so, you know, that has
13 a bearing. Where did they go wrong? What happened?

14 MR. GIORDANI: Sure.

15 PROSPECTIVE JUROR NO. 007: What -- what kind of, you
16 know, different issues? You know, were they -- was it planted on -- you
17 know, if there's some evidence, was it planted on them? Or, you know,
18 that's my biggest -- one of my biggest issues about innocent people
19 going --

20 MR. GIORDANI: Understood. I don't think anyone in this
21 room is going to say that innocent people should go to jail.

22 Would you -- are you telling me that you think that just
23 because Ms. Beverly and I are prosecuting two men, that they're
24 innocent just because they're being prosecuted?

25 PROSPECTIVE JUROR NO. 007: Well, you're innocent until

1 proven guilty.

2 MR. GIORDANI: Absolutely. Okay. That's a presumption
3 that you and everyone on this jury has to make. We all have to presume
4 the defendants on trial innocent until proven guilty, right?

5 PROSPECTIVE JUROR NO. 007: Uh-huh.

6 MR. GIORDANI: So what we want to understand is we want
7 fair jurors. We want jurors who are going to give us a fair shake and
8 listen to the evidence we present.

9 If we proved our case beyond a reasonable doubt by
10 presenting evidence to you, are you someone that could follow your oath
11 as a juror and convict?

12 PROSPECTIVE JUROR NO. 007: I don't know.

13 MR. GIORDANI: Okay.

14 PROSPECTIVE JUROR NO. 007: I honestly don't know.

15 MR. GIORDANI: A lot of times we're asking you to look into
16 the future. I know that -- you can't do that.

17 You -- you were questioned by the judge earlier, and you said
18 that you don't think you can be fair and impartial is what you got to; do
19 you remember that?

20 PROSPECTIVE JUROR NO. 007: No. I said because of
21 religious -- my religious beliefs and because I know of cases or we've
22 heard of cases where the -- you know, people go to jail that are
23 innocent. I just don't want to be one of the ones that's, you know, part of
24 that jury panel that actually sent somebody that was not guilty to jail.

25 MR. GIORDANI: Understood. And I'm not disagreeing with

1 you. There's no problem with that general idea. I don't think anyone
2 would stand up and say they want innocent people to go to jail.

3 What I'm trying to get at is are we going to be able to do our
4 jobs? Are you a good fit for this jury, a criminal case? Are we going to
5 be able to do our jobs and get a fair shake from you, or are you going to
6 presume that there's something you don't know or something --

7 PROSPECTIVE JUROR NO. 007: I'm going to presume there
8 may be something I don't know.

9 MR. GIORDANI: I appreciate your honesty. That's all we
10 need to know. Thank you, ma'am.

11 Is there anyone that agrees or -- go ahead. Can you pass the
12 microphone, ma'am?

13 THE COURT: And when the jurors are questioned, if you
14 could state your name and badge number, I would appreciate it.

15 PROSPECTIVE JUROR NO. 001: Sure. Joe Arellano,
16 Badge No. 1. I, generally -- in general, I'm very, I guess, have issues
17 with law enforcement in general. A lot of racial profiling against me
18 growing up. Fortunately, I kind of went bald early. So if you didn't just
19 hear me talk, you would think that I was a gang member. And especially
20 when I was younger, T-shirt and, you know, shorts and things like that.

21 So because of that, I'm already kind of deathly afraid
22 whenever there's a cop behind me or near me, seeing guns. Born in --
23 born in East L.A., so didn't have a greatest police growing up.

24 Because of that, I have a very healthy -- what's the word --
25 distrust. I don't know, as far as evidence is concerned, if it's planted, if

1 it's, you know -- I have a lot of questions in believing that. And working
2 in the IT field, doing a lot of forensics, I can't take a, you know, Well, this
3 person did that here, unless I have hard evidence in logs.

4 Sorry. Kind of --

5 MR. GIORDANI: No, it's okay.

6 PROSPECTIVE JUROR NO. 001: -- it's difficult talking in
7 front of people for me so.

8 MR. GIORDANI: I understand. Let me stop you and put
9 some things in perspective.

10 So you understand that we as the State -- State of Nevada,
11 we're prosecutors with the DA's office. We typically -- and in this case, I
12 can't talk to you about the facts of this case, but I can tell you that law
13 enforcement submits cases to our office for prosecution. We're on the
14 same page here, right?

15 So in order for us to present our case, we have to present
16 witnesses who are in law enforcement. You're going to hear from
17 witnesses in law enforcement in this case.

18 What I want to understand from you, are you the type of
19 person, based on your background, that you're going to judge what they
20 have to say from this witness stand fairly, listen to what they have to
21 say? Or are you going to be presuming negative things about them just
22 because they come in wearing a badge or they say, I work for Metro,
23 etcetera?

24 PROSPECTIVE JUROR NO. 001: I would have a distrust,
25 yes.

1 MR. GIORDANI: Okay. So just -- just right off the bat, and I
2 appreciate the honesty, you're saying that because they're members of
3 law enforcement, you would start out not on a clean slate but somewhat
4 of a distrust?

5 PROSPECTIVE JUROR NO. 001: Correct. Especially if it's
6 someone's word against somebody else. I have a hard time dealing with
7 that.

8 MR. GIORDANI: I'm sorry. I missed that. Someone's --

9 PROSPECTIVE JUROR NO. 001: Someone's -- one person's
10 word against another. If it was just an eyewitness, I have a hard time
11 dealing with that instead of, like, actual evidence.

12 MR. GIORDANI: Okay. A lot of times in criminal cases, there
13 is nothing but eyewitness testimony. Sometimes there is, sometimes
14 there isn't.

15 So are you saying that if that were the case here, you have an
16 officer who's observing things and testifying to what they observed, you
17 would presume to distrust them?

18 PROSPECTIVE JUROR NO. 001: Correct.

19 MR. GIORDANI: Thank you, sir. I appreciate the honesty.
20 You can pass the microphone down to Ms. Saxe next to you.

21 Oh, is there someone else raising their hand? I was just going
22 to move on with the question, but were you raising your hand, sir?

23 PROSPECTIVE JUROR NO. 006: I just wanted to -- yes.

24 MR. GIORDANI: Let me get your name and badge number.

25 PROSPECTIVE JUROR NO. 006: So my name is Matthew

1 Stoldal, Badge No. 6.

2 MR. GIORDANI: Go ahead, sir.

3 PROSPECTIVE JUROR NO. 006: So I don't have an
4 immediate distrust of law enforcement. I come from a IT background,
5 and it sounds like a lot of my fellow jurors do. But I also come from an IT
6 security background that I have very quickly found that people are lying
7 directly to my face. And these people are people of authority that, no, I
8 was not to one who did X, Y, and Z.

9 And to his -- gentleman to the left, it's logs. It's -- those things
10 are what really prove it. I'm sorry, a picture doesn't necessarily prove it.
11 Video doesn't necessarily prove it.

12 I work in broadcast as a hobby. I can fairly easily manipulate
13 things. So I have a really strong distrust of digital evidence or anything
14 that comes through in a digital sense, because I work in that world. I
15 know how easily that world is manipulated, even to the degree where
16 the -- I'm not saying anything about the election, but our election system,
17 especially here, is very -- it seems like it's tamperproof, but in reality, it's
18 not.

19 So I have a really strong dislike of peoples' lives being held on
20 the line based off something that is not secure -- that is not secure in a
21 real way, not in just a, I'm talking a political type of thing. Yes, it's
22 secure. Our credit scores are supposed to be secure. We saw that
23 wasn't evident.

24 MR. GIORDANI: Okay. So again, I can't comment on the
25 specific evidence to this case, right? So in the general scheme of

1 things, what I'm gathering from you is that you're the type of person that
2 is going to require secure digital evidence in order to come to a solid
3 conclusion. Is that accurate?

4 PROSPECTIVE JUROR NO. 006: Yeah. For example, I -- I
5 would be question of photos that were taken on an SE card that was on
6 a WORM drive or something that -- how do -- how is it proven that it was
7 not in some way manipulated?

8 MR. GIORDANI: Okay. Let me ask you this: Cut technology
9 out of it. Say there's a case in which there's only a lay witness. And
10 this -- this is completely unrelated to this case, but say there's a case
11 where there's a lay witness, and that's the only person who witnessed
12 the crime.

13 Are you the type of juror who could listen to that evidence and
14 potentially convict if it was there?

15 PROSPECTIVE JUROR NO. 006: I'm going to have a hard
16 time -- if it's just one person, unless they are really -- and I'm not trying to
17 say jurors -- or not jurors, but witnesses should ever be called into
18 question or anything along that lines, but it's hard to -- I'm just very -- to
19 echo her, I'm just very careful. I don't want to put someone in jail that
20 doesn't deserve it. And it's just -- it's -- it's hard.

21 So I will do my best, but just I'm coming at it very suspicious of
22 all things. And I've had to come from that because of experience,
23 because of experience in the IT world and forensics.

24 MR. GIORDANI: Okay. Another thing I cannot do during jury
25 selection is talk to you about what beyond a reasonable doubt means.

1 You've heard the term before, right?

2 PROSPECTIVE JUROR NO. 006: Correct.

3 MR. GIORDANI: I can't define it. Judge Bailus is going to
4 give you an instruction on the law if you're selected as a juror.

5 PROSPECTIVE JUROR NO. 006: Understood.

6 MR. GIORDANI: That is our burden of proof, Ms. Beverly and
7 I, in the case. You're going to be instructed that is the law. You're going
8 to take an oath -- or you took an oath, and you're going to take another
9 oath if you're selected that says, I will follow the law.

10 If Judge Bailus gives you a standard of proof --

11 PROSPECTIVE JUROR NO. 006: Uh-huh.

12 MR. GIORDANI: -- are you going to be able to follow that
13 standard of proof?

14 PROSPECTIVE JUROR NO. 006: The best I can.

15 MR. GIORDANI: Okay. I'm asking you to look into the future.
16 Your honesty is appreciated. If -- if you think that you're going to attach
17 a higher standard of proof than is what the law is given, tell us now.
18 Now is the time.

19 PROSPECTIVE JUROR NO. 006: I don't think I'm going to
20 purposely. It just -- again, I just -- I have very high standards I hold in
21 my own life that where I work, we don't assume. I'm not going to say the
22 old adage what assume make you do, it's something where there needs
23 to be evidence. There needs to be proof. There needs to be a reason
24 why we're going down that path.

25 So to my best intentions, I will not apply a higher standard.

1 MR. GIORDANI: So based upon that -- this is for the panel --
2 is there anyone on the jury panel who is not familiar with the term
3 beyond a reasonable doubt? Everyone has heard that, I'm sure, on TV
4 plenty of times. That's our standard of proof. We, the State, have the
5 burden of proving the case beyond a reasonable doubt before you can
6 ever be asked to convict by us. Okay?

7 So those two men, Mr. Turner and Mr. Hudson, are sitting
8 here now accused. They're presumed innocent, because you haven't
9 heard a thing from the State with regard to the evidence. Everyone
10 agrees there, right?

11 Is there anyone on this jury panel who has a problem with that
12 idea of presumption of innocence? So everyone understands -- if we
13 asked you right now, go back, deliberate, and return a verdict, you got
14 one option: Not guilty right now, right? Because you haven't heard any
15 evidence.

16 The defense attorneys, they don't have to do a thing in this
17 case. There's no burden on them whatsoever. I'm sure they will do
18 things, but they don't have to. It's on us to -- to prove the case beyond a
19 reasonable doubt.

20 Does anyone at all have a problem with that concept, not
21 holding us to our burden or anything like that? I'm seeing a negative
22 response across the board.

23 Thank you, sir. And can you pass the microphone back down
24 to Ms. Saxe.

25 How are you, Ms. Saxe?

1 PROSPECTIVE JUROR NO. 002: I'm good. Thank you.
2 MR. GIORDANI: And it's Badge No. 2?
3 PROSPECTIVE JUROR NO. 002: Yes.
4 MR. GIORDANI: Your oldest is a law student?
5 PROSPECTIVE JUROR NO. 002: Yes.
6 MR. GIORDANI: Congrats. Did you say what school?
7 PROSPECTIVE JUROR NO. 002: Boyd.
8 MR. GIORDANI: Okay. 1L? 2L? What year?
9 PROSPECTIVE JUROR NO. 002: He's a first year.
10 MR. GIORDANI: First year in law school. Okay.
11 Did you have -- did you hear the conversation we've had
12 generally about the police and the justice system in general? Do you
13 have feelings one way or the other?
14 PROSPECTIVE JUROR NO. 002: I believe that people can
15 be good or bad, no matter if it's a police officer or -- or just a regular
16 citizen. So [indiscernible] more.
17 MR. GIORDANI: Understood. Police officers --
18 PROSPECTIVE JUROR NO. 002: I believe in the good in
19 people.
20 MR. GIORDANI: -- right, are human beings --
21 PROSPECTIVE JUROR NO. 002: Yes.
22 MR. GIORDANI: -- just like anyone else, right? Are you type
23 of person that can wait, unlike Mr. Arellano, who said he can --
24 THE COURT: You know what? Sir, we're going to take a -- a
25 short recess.

1 MR. GIORDANI: Okay.

2 THE COURT: Two of -- I believe two of the potential jurors
3 had to use the restroom. So we're just going to take a short recess until
4 they come back to hear the -- they just got up and left.

5 MR. GIORDANI: We'll get back to that. Hold that thought.

6 THE COURT: Ladies and gentlemen, we're just going to sit
7 here for a second.

8 [Pause in proceedings.]

9 THE COURT: Again, I'm going to let you go outside for a
10 moment. We're going to be in a five-minute recess.

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

18 We're on a five-minute recess. Thank you.

19 [Prospective jury panel recessed at 4:36 p.m.]

20 THE COURT: You all can go outside if you want.

21 UNIDENTIFIED JUROR: We can stay here?

22 THE COURT: It would probably be better --

23 UNIDENTIFIED JUROR: We have to leave?

24 THE COURT: -- you should go outside, yeah. Because they
25 may converse, so I don't want you to hear anything.

1 We're in recess.

2 I'm going to -- just so you know, when they all come back in,
3 I'm going to tell them if they have to go to -- I thought I told them, but just
4 raise your hand.

5 [Pause in proceedings.]

6 [Court recessed at 4:38 p.m., until 4:43 p.m.]

7 [In the presence of the prospective jury panel.]

8 THE COURT: Okay. You can be seated.

9 This is a continuation of *State of Nevada vs. Steven Turner*
10 *and Clemon Hudson*, Case No. C-15-309578-1 and -2. Let the record
11 reflect the presence of counsel, the defendants, and the potential jury
12 panel.

13 Ladies and gentlemen, if anybody needs to use the restroom,
14 just raise your hand and we'll take a break, okay? For future notice.

15 You may continue.

16 MR. GIORDANI: Thank you, Your Honor.

17 Ms. Saxe --

18 Show her the microphone.

19 What I was talking with previously about your fellow jurors or
20 with your fellow jurors about, do you have any feelings one way or the
21 other about law enforcement in general?

22 PROSPECTIVE JUROR NO. 002: I don't.

23 MR. GIORDANI: No?

24 PROSPECTIVE JUROR NO. 002: I don't.

25 MR. GIORDANI: I believe you were saying before we took the

1 break you would treat them as you would any other layperson, like --

2 PROSPECTIVE JUROR NO. 002: Yes, sir.

3 MR. GIORDANI: Okay. For the -- for the first 24, before I
4 move on, is there anyone on this jury panel who would like to chime in
5 and either agree or disagree with Mr. Arellano and Ms. -- I'm sorry --
6 Phillips? Is there anyone who would like to chime in or give their input
7 on that before I move on?

8 Go ahead, sir. You're next anyway. It's Mr. Grinsted,
9 Badge No. 3?

10 PROSPECTIVE JUROR NO. 003: That's correct.

11 MR. GIORDANI: Go ahead, sir.

12 PROSPECTIVE JUROR NO. 003: So I would say I look at
13 things exactly from the opposite viewpoint. My dealings with law
14 enforcement, being around them, I've always found them to be
15 honorable. And I actually appreciate they choose to go out, put their
16 lives on the line each day to protect my safety and my security. So that,
17 if anything, would be my bias.

18 MR. GIORDANI: Okay. Now, similarly, as we've discussed a
19 little bit, would you agree with me that law enforcement officers can be
20 just as fallible as the typical person?

21 PROSPECTIVE JUROR NO. 003: I would agree that they can
22 be. But the ones that I've dealt with are aware of that and do their best
23 to try to mitigate that within themselves.

24 MR. GIORDANI: Understood. What I want to understand
25 from you, sir, is on the other -- I mean, these two jurors have made it

1 pretty clear that they have a feeling one way. Are you the type of person
2 that, just because we put law enforcement on the witness stand, you're
3 going to adopt what they have to say without hearing more?

4 PROSPECTIVE JUROR NO. 003: If it comes down to one
5 person's word against another --

6 MR. GIORDANI: Okay.

7 PROSPECTIVE JUROR NO. 003: -- and that's it, then just
8 quite honestly, I would tend to side with the law enforcement testimony.

9 MR. GIORDANI: Okay. So you're talking about credibility.
10 You'd agree with me there, right? What I'm -- I'm not talking about
11 credibility yet. We'll get there.

12 What I'm talking about is this presumptive idea, judging
13 someone based on what they do or look like or whatever, based upon
14 that, before you hear what they have to say, are you just automatically
15 going to adopt what -- what law enforcement has to say is true, or are
16 you going to listen to it, see if it makes sense to you? Does it make
17 common sense? Is it corroborated by other evidence, etcetera?

18 PROSPECTIVE JUROR NO. 003: No. I would certainly listen
19 to what they have to say, absolutely.

20 THE COURT: That's all we need. Look, we just need 14
21 people that are going to listen to the evidence, wait until they've heard all
22 the evidence, and then come to a conclusion. Do you think you can do
23 that, sir?

24 PROSPECTIVE JUROR NO. 003: I believe so, yes.

25 MR. GIORDANI: I appreciate it. Real briefly, and you -- you

1 referenced being a technician at Teach Systems?

2 PROSPECTIVE JUROR NO. 003: Tieche Systems yes.

3 MR. GIORDANI: Tieche, okay. Just what is that in general?

4 PROSPECTIVE JUROR NO. 003: So it's building automation
5 systems for data centers.

6 MR. GIORDANI: Okay. And as a technician, you do the
7 actual building of the systems?

8 PROSPECTIVE JUROR NO. 003: Yes. So I do a lot of
9 programming. I also do some project management, right.

10 MR. GIORDANI: Okay. All right. Let me ask you a question,
11 Mr. Grinsted: If you were sitting where Mr. Turner or Mr. Hudson were
12 sitting, on trial for something, would you want a juror that has a similar
13 mindset as yourself?

14 PROSPECTIVE JUROR NO. 003: I would think so, yes.

15 MR. GIORDANI: Thank you, sir. And you can pass the
16 microphone down to Ms. Dimaya.

17 How are you, ma'am?

18 PROSPECTIVE JUROR NO. 004: Doing well.

19 MR. GIORDANI: Good. And it's Badge No. 4, right?

20 PROSPECTIVE JUROR NO. 004: Yes.

21 MR. GIORDANI: You said you have law enforcement friends
22 at your gym as well?

23 PROSPECTIVE JUROR NO. 004: Yes.

24 MR. GIORDANI: Are those people that you communicate with
25 outside the gym or just see them next to you, working out, talk with

1 them?

2 PROSPECTIVE JUROR NO. 004: Just inside the gym.

3 MR. GIORDANI: Okay. Similar question to you as I've been
4 talking about with your fellow jurors: Do you have a feeling one way or
5 the other about law enforcement?

6 PROSPECTIVE JUROR NO. 004: I do not. I feel like I'm
7 pretty even.

8 MR. GIORDANI: Okay. And since you have some
9 acquaintances or friends that are law enforcement, do you feel
10 comfortable with this idea that whatever you do in this courtroom if
11 you're selected, the verdict you return with, you would have to -- or you
12 would be potentially asked by people in law enforcement what was the
13 result of this jury service? Do you feel comfortable that you could advise
14 them either way what you felt was appropriate verdict?

15 PROSPECTIVE JUROR NO. 004: Yes, I do.

16 MR. GIORDANI: Okay. It's not something where you have
17 people at the gym or law enforcement that could influence you in some
18 way in the courtroom?

19 PROSPECTIVE JUROR NO. 004: No.

20 MR. GIORDANI: Okay. You have two kids not working but
21 they should be; is that right?

22 PROSPECTIVE JUROR NO. 004: Yes.

23 MR. GIORDANI: I didn't catch the ages of those kids.

24 PROSPECTIVE JUROR NO. 004: 7 and 3.

25 MR. GIORDANI: Makes sense now.

1 My 4-year-old -- 3-year-old works me.

2 PROSPECTIVE JUROR NO. 004: Right? Exactly.

3 MR. GIORDANI: Is there anything about having those young
4 kids at home that would probably be -- not paying attention or distracting
5 in this particular case?

6 PROSPECTIVE JUROR NO. 004: No.

7 MR. GIORDANI: Okay. You probably want to get on the jury,
8 don't you?

9 PROSPECTIVE JUROR NO. 004: Yeah, maybe.

10 MR. GIORDANI: I understand.

11 PROSPECTIVE JUROR NO. 004: It's a break from home.

12 MR. GIORDANI: Thank you, ma'am. And you can pass that
13 down two to Ms. Phillips, who I haven't spoken to yet.

14 How are you, ma'am?

15 PROSPECTIVE JUROR NO. 008: Fine, thank you.

16 MR. GIORDANI: You've heard the conversations I've been
17 having with your fellow jurors, and you talked a little bit about your nine
18 years at High Desert and two years at CCD, right?

19 PROSPECTIVE JUROR NO. 008: Uh-huh.

20 MR. GIORDANI: What's your feeling, now that you're hearing
21 these conversations, about whether you could be fair and impartial in
22 this case?

23 PROSPECTIVE JUROR NO. 008: I've been thinking about it,
24 and I think I -- I could.

25 MR. GIORDANI: Okay.

1 PROSPECTIVE JUROR NO. 008: I just didn't know what,
2 subconsciously, you know, what might come out. Because, you know, I
3 have two sides: The burglaries, which is the negative, and then working
4 with these guys for so long. You know the -- but I think I can be
5 objective.

6 MR. GIORDANI: Okay. And that's all we want is that you can
7 be fair --

8 PROSPECTIVE JUROR NO. 008: Uh-huh.

9 MR. GIORDANI: -- and objective.

10 PROSPECTIVE JUROR NO. 008: Uh-huh.

11 MR. GIORDANI: Impartial, follow the law.

12 Is there -- do you have any qualms about hearing from law
13 enforcement officers and then potentially knowing them? I mean, you
14 heard the witness list, right?

15 PROSPECTIVE JUROR NO. 008: Right now, I don't know
16 anybody.

17 MR. GIORDANI: Okay. Well, as a CO, though, I mean, you --
18 you've come into contact with a lot of law enforcement --

19 PROSPECTIVE JUROR NO. 008: No. I was a math
20 instructor at the high school on the yard. I wasn't a CO.

21 MR. GIORDANI: Oh, a math instructor. Oh, I'm sorry. I
22 thought you were a corrections officer --

23 PROSPECTIVE JUROR NO. 008: No.

24 MR. GIORDANI: -- after you were a math instructor.

25 PROSPECTIVE JUROR NO. 008: Do I look like I --

1 MR. GIORDANI: You look tough to me. I'm not -- so -- so,
2 okay. So you were a math instructor at High Desert and at CCD; is
3 that right? For the record.

4 PROSPECTIVE JUROR NO. 008: Well, math at High Desert
5 State Prison and transition counselor at Detention.

6 MR. GIORDANI: Okay. And that was your only role there?

7 PROSPECTIVE JUROR NO. 008: Yes.

8 MR. GIORDANI: Math instructor and -- and counselor.

9 PROSPECTIVE JUROR NO. 008: Uh-huh.

10 MR. GIORDANI: Transition counselor. Is that -- transition
11 counselor is when someone's about to be released and setting them up
12 in the community, etcetera?

13 PROSPECTIVE JUROR NO. 008: Right.

14 MR. GIORDANI: Okay. So probably unlikely for you to have
15 interacted with any street officers or detectives or anything like that?

16 PROSPECTIVE JUROR NO. 008: Correct.

17 MR. GIORDANI: Correct? Okay.

18 PROSPECTIVE JUROR NO. 008: Uh-huh.

19 MR. GIORDANI: So that shouldn't be an issue for you,
20 ma'am?

21 PROSPECTIVE JUROR NO. 008: Not at all.

22 MR. GIORDANI: Okay. Will you promise that you'll let the
23 judge know, if you're selected, if you see a detective or an officer on the
24 stand that you may recognize, will you raise your hand and let the judge
25 know?

1 PROSPECTIVE JUROR NO. 008: Yes.

2 MR. GIORDANI: Okay. Thank you.

3 Anything that I've discussed with your fellow jurors that you'd
4 like to chime in on or add to?

5 PROSPECTIVE JUROR NO. 008: No.

6 MR. GIORDANI: Your -- your home, I believe, was
7 burglarized twice before?

8 PROSPECTIVE JUROR NO. 008: Yes.

9 MR. GIORDANI: And you said, when the judge asked you if
10 you were happy with the police review, you hold it against them? I forget
11 the words.

12 PROSPECTIVE JUROR NO. 008: No. I don't hold anything
13 against them.

14 MR. GIORDANI: Said something about they did as well as
15 they could --

16 PROSPECTIVE JUROR NO. 008: Sure.

17 MR. GIORDANI: As well as they could.

18 PROSPECTIVE JUROR NO. 008: It's just hard with
19 burglaries.

20 MR. GIORDANI: What do you mean by that?

21 PROSPECTIVE JUROR NO. 008: Well, when they smash
22 and grab, you know, it's -- what do you do?

23 MR. GIORDANI: Okay. In your particular case, was it your
24 home or vehicles?

25 PROSPECTIVE JUROR NO. 008: Home.

1 MR. GIORDANI: All right. So when you say smash and grab,
2 do you mean they broke a window, went in, went out?

3 PROSPECTIVE JUROR NO. 008: One of them was. The
4 other one had backed a truck back into the garage -- the garage --

5 MR. GIORDANI: Okay.

6 PROSPECTIVE JUROR NO. 008: -- and took their time.

7 MR. GIORDANI: Were there witness -- lay witnesses, like,
8 eyewitnessss to it?

9 PROSPECTIVE JUROR NO. 008: No.

10 MR. GIORDANI: Did you have security, surveillance, or
11 anything like that?

12 PROSPECTIVE JUROR NO. 008: No.

13 MR. GIORDANI: Okay. Do you recall if, when the police
14 responded, did they have crime scene analysts, dust for prints and swab
15 for DNA, etcetera?

16 PROSPECTIVE JUROR NO. 008: On the last one, no. And I
17 don't think the first one either.

18 MR. GIORDANI: Okay. So based upon what -- what you saw
19 or knew, you thought police did the best they could with what --

20 PROSPECTIVE JUROR NO. 008: Yes.

21 MR. GIORDANI: -- they had in that particular instance?

22 PROSPECTIVE JUROR NO. 008: Yes.

23 MR. GIORDANI: Okay. Same question I asked some of your
24 fellow jurors: Is there anything that -- that should cause either side
25 concern that you would potentially be a juror in this case?

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PROSPECTIVE JUROR NO. 008: No.

MR. GIORDANI: If you were sitting where Mr. Turner and Mr. Hudson are sitting, accused of a crime, would you want a juror such as yourself?

PROSPECTIVE JUROR NO. 008: Yes.

MR. GIORDANI: Okay. Thank you, ma'am. You can pass the microphone.

PROSPECTIVE JUROR NO. 008: You're welcome.

MR. GIORDANI: Hello, Ms. Rivera-Rogers. How are you?

PROSPECTIVE JUROR NO. 009: Hello. I'm great. How are you?

MR. GIORDANI: I'm good. Thank you. So you've --

THE COURT: Could you state your badge number, please.

MR. GIORDANI: Oh, I'm sorry. 9.

PROSPECTIVE JUROR NO. 009: Badge No. 9.

THE COURT: Thank you.

MR. GIORDANI: So you're a familiar face around this courthouse. Do you think that you can sit -- be a fair and impartial juror to both sides in this particular case?

PROSPECTIVE JUROR NO. 009: Yes.

MR. GIORDANI: Okay. Is there anything that I've discussed with your fellow jurors that you'd like to chime in on or add to?

PROSPECTIVE JUROR NO. 009: No, not necessarily. I think I take each situation, each case, you know, for its own in -- and in the experiences with law enforcement, I have been mixed. I've worked

1 around in the courthouse for a long time. But I cannot take against this
2 case anything that's happened in the past or in another case. So I
3 would give weight to the testimony in this case and would evaluate it
4 accordingly to the decision.

5 MR. GIORDANI: Good answer. Do you -- as long as you've
6 been practicing, have you always wanted to end up on a jury?

7 PROSPECTIVE JUROR NO. 009: Yes and no. I mean, two
8 weeks is a lot of time. But on the other hand, it's -- it's a privilege that
9 I've never had, and it would be great to serve on it.

10 MR. GIORDANI: Okay. Thank you very much. I appreciate
11 it. Will you pass the microphone down. And, actually, no, I'll just take it
12 and walk it all the way back over here.

13 And it's Ms. Feldman, right?

14 PROSPECTIVE JUROR NO. 011: Yes.

15 MR. GIORDANI: Mrs. Feldman, Badge No. 11.

16 PROSPECTIVE JUROR NO. 011: 11.

17 MR. GIORDANI: How are you today?

18 PROSPECTIVE JUROR NO. 011: Good.

19 MR. GIORDANI: Good. I'm not going to repeat the questions
20 I had of the other jurors, but you have friends in law enforcement?

21 PROSPECTIVE JUROR NO. 011: Uh-huh, yes.

22 MR. GIORDANI: Anything about that that causes you concern
23 in this case?

24 PROSPECTIVE JUROR NO. 011: Not in this case.

25 MR. GIORDANI: Anything that causes you to think maybe,

1 you know, because I have law enforcement friends, I'll air on the side of
2 the prosecution or anything of that nature?

3 PROSPECTIVE JUROR NO. 011: Not at all.

4 MR. GIORDANI: Clean slate for both sides --

5 PROSPECTIVE JUROR NO. 011: Clean slate.

6 MR. GIORDANI: -- with you as a juror?

7 PROSPECTIVE JUROR NO. 011: Yes.

8 MR. GIORDANI: A couple of things. You're a -- you said
9 you're a senior RN case manager.

10 PROSPECTIVE JUROR NO. 011: Correct.

11 MR. GIORDANI: What does RN stand for?

12 PROSPECTIVE JUROR NO. 011: Registered nurse.

13 MR. GIORDANI: Okay. So as a -- as a case manager, are
14 you actually working on these people that get injured at work, helping
15 them with their recovery and stuff?

16 PROSPECTIVE JUROR NO. 011: Right. So I don't work face
17 to face with them.

18 MR. GIORDANI: Okay.

19 PROSPECTIVE JUROR NO. 011: So I attend State meetings
20 in Carson City. So I help direct their medical care; so I communicate
21 with the physicians and with the claims examiners.

22 MR. GIORDANI: Okay.

23 PROSPECTIVE JUROR NO. 011: So I just make sure that
24 they're with the best specialists that they can be with, see how their
25 medical care is going, and communicate with the doctors, read the

1 medical reports.

2 MR. GIORDANI: Okay.

3 PROSPECTIVE JUROR NO. 011: Physical therapists, if need
4 be, yeah.

5 MR. GIORDANI: All right. So you're -- are you working on
6 behalf of the County?

7 PROSPECTIVE JUROR NO. 011: No. It's the State of
8 Nevada.

9 MR. GIORDANI: Okay.

10 PROSPECTIVE JUROR NO. 011: So I'm with Sierra Nevada
11 Administrators.

12 MR. GIORDANI: Okay.

13 PROSPECTIVE JUROR NO. 011: It's a division of United
14 Healthcare.

15 MR. GIORDANI: Okay. So you --

16 PROSPECTIVE JUROR NO. 011: So we're the MCO, the
17 managed care organization.

18 MR. GIORDANI: Okay. Understood. I appreciate it.

19 PROSPECTIVE JUROR NO. 011: Complicated, I know.

20 MR. GIORDANI: I get it now.

21 PROSPECTIVE JUROR NO. 011: Yeah. So when I -- when I
22 go to a State meeting, for instance -- so I'm the RN; so I represent the
23 medical side. And there's the claims examiner. That's a whole different
24 entity. And then there's the State representative there.

25 MR. GIORDANI: Okay.

1 PROSPECTIVE JUROR NO. 011: So we all conference
2 together.

3 MR. GIORDANI: Got it.

4 PROSPECTIVE JUROR NO. 011: Just so, you know, to
5 collaborate.

6 MR. GIORDANI: And you have some cases where it's NHP
7 officers and troopers?

8 PROSPECTIVE JUROR NO. 011: Uh-huh. Some
9 department of corrections, some parks --

10 MR. GIORDANI: Okay.

11 PROSPECTIVE JUROR NO. 011: Some, you know, mental
12 health. So if they're a State of Nevada employee and they're that
13 medically complicated, then they're mine.

14 MR. GIORDANI: Okay. Is there anything about that that
15 causes you concern sitting on a criminal trial [indiscernible]?

16 PROSPECTIVE JUROR NO. 011: No. Because, you know,
17 that's State and it's separate.

18 MR. GIORDANI: Okay. We've listed, I believe, all Metro
19 employees. But if -- if there were someone --

20 PROSPECTIVE JUROR NO. 011: And I'm new to the area,
21 so I don't know, you know, people like I did growing up in Indiana --

22 MR. GIORDANI: Okay.

23 PROSPECTIVE JUROR NO. 011: -- for 40-some years. So I
24 don't -- I don't have those connections quite here. I know a lot of ER
25 doctors and people like that here, but --

1 MR. GIORDANI: All right.
2 PROSPECTIVE JUROR NO. 011: Yeah.
3 MR. GIORDANI: Appreciate it. Thank you.
4 PROSPECTIVE JUROR NO. 011: Not law enforcement.
5 MR. GIORDANI: Okay. Thank you.
6 PROSPECTIVE JUROR NO. 011: You're welcome.
7 MR. GIORDANI: Mr. Bragdon.
8 THE COURT: Counsel, at this time, we're going to take our
9 evening break.
10 MR. GIORDANI: Okay.
11 THE COURT: Ladies and gentlemen, we're going to take our
12 evening recess.
13 During this recess, you are admonished not to talk or
14 converse among yourselves or with anyone else on any subject
15 connected with this trial or to read, watch, or listen to any report of or
16 commentary on the trial or any person connected to this trial by any
17 medium of information, including, without limitation, newspapers,
18 television, radio, or Internet, or form or express any opinion on any
19 subject connected with the trial until the case is finally submitted to you.
20 Ladies and gentlemen, this will be our evening recess. I'm
21 going to ask you to return tomorrow at 11:00 to this courtroom. I am
22 actually borrowing this courtroom. This is not my normal courtroom. I
23 believe whose courtroom this -- the judge who resides will be done
24 by 11:00; so if you could report to this courtroom.
25 We probably are going to take a late lunch break around 12:30

1 or so, so you might want to grab a bite to eat before you come in the
2 morning. And then we're going to go until 5:00 again tomorrow.

3 So if you could return tomorrow to this courtroom at 11:00.

4 We'll be in recess. Thank you.

5 [Prospective jury panel recessed at 4:59 p.m.]

6 THE COURT: We'll be in recess until tomorrow at 11:00.

7 MS. SISOLAK: Your Honor, there's just one matter I wanted
8 to address very briefly. I know one of the jurors. I don't think he realizes
9 that he knows me. I used to work with his wife at Ken Ashworth &
10 Associates. I just wanted full and fair disclosure.

11 THE COURT: Okay. What juror?

12 MS. SISOLAK: Mr. Hodgin, Number 15, Seat 10.

13 THE COURT: Okay. I'll let you delve into that on -- when the
14 defense does voir dire, you might want to certainly inquire.

15 MS. SISOLAK: I'll ask. I just wanted to be honest with the
16 Court.

17 MS. BEVERLY: And just one scheduling thing. I think we
18 should be able to get a jury tomorrow if we're starting at 11:00 and then
19 hopefully open. I would prefer that we start witnesses straight through
20 starting Wednesday at 1:00 or whatever time we're starting on
21 Wednesday, so I don't have to interrupt witnesses, if it's, like, 4:30 and I
22 have to start one and bring them back, if that's okay.

23 THE COURT: You don't want to bring any witnesses
24 tomorrow, is what you're telling me --

25 MS. BEVERLY: I don't want to bring any witnesses tomorrow.

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THE COURT: That's fine.

MS. BEVERLY: Okay. Thank you.

THE COURT: Well, we'll do opening -- but we'll do opening --

MS. BEVERLY: Yes.

THE COURT: If we get a jury, we're going to do opening statements tomorrow.

MS. BEVERLY: Okay, perfect. Thank you.

MR. PLUMMER: Your Honor, do we have the schedule for the rest of the week and next week?

THE COURT: I'll tell you tomorrow.

MS. MACHNICH: Thank you, Your Honor.

MR. PLUMMER: Thank you, Your Honor.

MR. GIORDANI: Thank you.

[Court recessed at 5:02 p.m., until April 17, 2018, at 11:00 a.m.]

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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.



Shawna Ortega, CET*562