

COPY

EIGHTH JUDICIAL DISTRICT /0131R:ii, j P07  
CIVIL/CRIMINAL DIVISION  
CLARK COUNTY, NEVADA,

THE STATE OF NEVADA,

Plaintiff,

VS.

KRISTIN BLAISE LOBATO,

Defendant.

CASE NO. C177394

DEPT. NO. II

Transcripts of  
Proceedings

BEFORE THE HONORABLE VALORIE J. VEGA, DISTRICT COURT JUDGE

**"ROUGH DRAFT"**

**JURY TRIAL - DAY 1  
VOLUME I**

**MONDAY, SEPTEMBER 11, 2006**

**COURT RECORDER:**

**LISA LIZOTTE  
District Court**

**TRANSCRIPTION BY:**

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Proceedings recorded by electronic sound recording, transcript  
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APPEARANCES:

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FOR THE DEFENDANT:

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SHARI L. GREENBERGER, ESQ.  
SARA ZALKIN, ESQ.  
506 Broadway  
San Francisco, California 94133

1 THE COURT: Very well. Then, Mr, Kephart or Ms.  
2 DiGiacomo, you may retrieve that.

3 MR. KEPHART: Okay.

4 THE COURT: I'm gonna have the bailiff go down  
and bring up the jury and we will be in recess 'til they arrive,

6 (Court recessed at 10:44:41 until 11:28:39)

7 (Prospective jurors are present)

8 THE BAILIFF: All rise, please. Department II is in  
9 now in session, the Honorable Valorie J. Vega presiding,

10 Please be seated,

11 THE COURT: Let the record reflect that this is the  
12 time to initiate the trial in the case under Number C177394,  
13 which is State versus Lobato.

14 The record shall reflect the presence of the  
15 defendant, together with her three counsel, the presence of  
16 the two prosecuting attorneys, and the ladies and gentlemen  
17 of the potential jury panel that have been brought into the  
18 courtroom and seated by the bailiff.

19 Ladies and gentlemen of the potential jury panel,  
20 you are in Department II of the Eighth Judicial District Court,  
21 My name is Valorie Vega and I'm the presiding judge in this  
22 department.

23 I'm gonna take this opportunity to introduce to you  
24 some of the court staff. To my left is Lisa Lizotte who is the

1 LAS VEGAS, NEVADA MONDAY, SEPTEMBER 11, 2006

2 PROCEEDINGS

3 (THE PROCEEDINGS BEGAN AT 10:43:14)

4 (Prospective jurors are not present)

5 THE COURT: On the criminal calendar, State versus  
6 Lobato, C177394, The record shall reflect that the defendant  
7 Is present, together with the three defendant's counsel, that  
8 the two deputy district attorneys are present as well.

9 The Court and counsel have convened. We're  
10 outside the pre4ence of the jury.

11 The motion with regard to the photographs brought  
12 by the defense will be continued III tomorrow morning at  
13 11:00 o'clock, And we will resume the trial with the jury at  
14 11:00.

15 The parties have stipulated that an audiotape that  
16 was a redacted interview with the defendant which was  
17 admitted at the prior trial as State's Exhibit 125A be released  
18 to the State, the State to make two copies, one for the State  
19 and one for the defense and then this original one to be  
20 returned to the clerk.

21 Is that correct?

22 MR. KEPHART: Yes, Your Honor,

23 THE COURT: Is that correct?

24 MR. SCHIECK: Yes, Your Honor.

2 court recorder for Department II, It is her job to make sure  
3 that everything that transpires during this trial is properly  
4 preserved by the record which she monitors. In the Regional  
5 Justice Center, all of our proceedings are both taped and  
6 audio/visual recorded. She monitors that system. And if there  
7 are any deficiencies or technical problems, she'll bring those to  
8 our attention. Also, if someone is not speaking loudly enough  
9 to be picked up and have what they are saying maintained on  
10 the recording device, she will draw our attention to that.

11 You'll notice throughout the courtroom that there  
12 are microphones placed in various locations. That is for the  
13 purpose of capturing the record. The microphones are highly  
14 sensitive and do pick up from quite a significant distance.

15 To my right is Billie Jo Craig, She is a deputy court  
16 clerk who has been assigned to Department II by Shirley  
17 Parraguirre, the county clerk. It is the job of the clerk to  
18 administer the oath to the ladies and gentlemen of the jury, to  
19 all of the witnesses who will be coming in to testify from the  
20 witness stand during trial and keep track of all of the items of  
21 physical evidence that may be introduced in court. Also, the  
22 clerk will daily prepare minutes or summaries of the day's  
23 events that goes into the official file maintained in the Office of  
24 the County Clerk.

To my far right is Officer Richard Burns. He is the

1 bailiff for Department II and is the gentleman that met you  
 2 down in the Office of Jury Commissioner and brought you into  
 3 the courtroom, It is the job of the bailiff to maintain security  
 4 inside the courtroom. The bailiff will assist the Court coming  
 5 and going from the courtroom and the bailiff will also be of  
 6 assistance to the ladies and gentlemen of the jury. Primarily  
 7 when it comes time for the jury to deliberate toward reaching  
 8 a verdict, the bailiff will be one of the officers who will take  
 9 charge of the jury to make sure that the jury has privacy for  
 10 their deliberations to occur.

11 Court and counsel have just been provided with a  
 12 computerized listing from the Office of the Jury Commissioner  
 13 of all of the ladies and gentlemen who form the potential panel  
 14 in this case.

15 Does the State desire to present a challenge to the  
 16 panel as a whole?

17 MR. KEPHART: Nothing by the State, no, Your  
 18 Honor.

19 THE COURT: Does the defense?

20 MR. SCHIECK: No, Your Honor,

21 THE COURT: Thank you, ladies and gentlemen.

22 At this time, the clerk is going to take the  
 23 computerized listing and do a roll call. She is going to call you  
 24 by the last three digits of your badge number and your name,

1 THE CLERK: 212, Randall F-R-O -  
 2 PROSPECTIVE JUROR FROSCHEUSER: Here,  
 3 THE CLERK: - S-C-H-H-E-U-S-E-R.  
 4 213, Courtney Delgado.  
 5 PROSPECTIVE JUROR DELGADO: Here.  
 6 THE CLERK: 215, Karen Giardina.  
 7 PROSPECTIVE JUROR GIARDINA: Here.  
 8 THE CLERK: 216, Wendell Black.  
 9 PROSPECTIVE JUROR BLACK: Here.  
 10 THE CLERK: 217, Joann Totaro.  
 11 PROSPECTIVE JUROR TOTARO: Here.  
 12 THE CLERK: 218, Curtis Lenhardt,  
 13 PROSPECTIVE JUROR LENHARDT: Present.  
 14 THE CLERK: 219, Howard Baker,  
 15 PROSPECTIVE JUROR BAKER: Here,  
 16 THE CLERK: 220, Thomas Ciciliano.  
 17 PROSPECTIVE JUROR CICILIANO: Here.  
 18 THE CLERK: 221, Pamela Bailes.  
 19 PROSPECTIVE JUROR BAILES: Here.  
 20 THE CLERK: 222, James Jones.  
 21 PROSPECTIVE JUROR JONES: Here.  
 22 THE CLERK: 223, Rowena Cherry.  
 23 PROSPECTIVE JUROR CHERRY: Here,  
 24 THE CLERK: 225, Bonnie Leonard,

1 I believe. As she calls your name, please answer either  
 2 present or here.

3 THE CLERK: 638, Lumduan Ward.  
 4 PROSPECTIVE JUROR WARD: Here.  
 5 THE CLERK: 088, Lupe Bouckley,  
 6 PROSPECTIVE JUROR BOUCKLEY: Here.  
 7 THE CLERK: 196, Frank Arieno,  
 8 PROSPECTIVE JUROR ARIENO: Here.  
 9 THE CLERK: 197, Edric Tong.  
 10 PROSPECTIVE JUROR TONG: Here.  
 11 THE CLERK: 198, Tai Anderson,  
 12 PROSPECTIVE JUROR ANDERSON: Here,  
 13 THE CLERK: 199, Paul La Chance.  
 14 PROSPECTIVE JUROR LA CHANCE: Here.  
 15 THE CLERK: 203, Ofer Gur.  
 16 PROSPECTIVE JUROR GUR: Here.  
 17 THE CLERK: 204, Paul Gaulin.  
 18 PROSPECTIVE JUROR GAULIN: Here.  
 19 THE CLERK: 205, Gregory Willson.  
 20 PROSPECTIVE JUROR WILLSON: Here.  
 21 THE CLERK: 209, Gary Wilcox.  
 22 PROSPECTIVE JUROR WILCOX: Here,  
 23 THE CLERK: 210, Robert Sharpe.  
 24 PROSPECTIVE JUROR SHARPE: Here.

1 PROSPECTIVE JUROR LEONARD: Here.  
 2 THE CLERK: 226, David Mann.  
 3 PROSPECTIVE JUROR MANN: Here.  
 4 THE CLERK: 229, Suzanne Racer,  
 5 PROSPECTIVE JUROR RACER: Here.  
 6 THE CLERK: 231, Karl Cantor.  
 7 PROSPECTIVE JUROR CANTOR: Here,  
 8 THE CLERK: 232, Thomas Chapman.  
 9 PROSPECTIVE JUROR CHAPMAN: Here,  
 10 THE CLERK: 234, Sandra Hess.  
 11 PROSPECTIVE JUROR HESS: Here.  
 12 THE CLERK: 235, Michelle Moir.  
 13 PROSPECTIVE JUROR MOW: Here.,  
 14 THE CLERK: 236, Robert Graham,  
 15 PROSPECTIVE JUROR GRAHAM: Present.  
 16 THE CLERK: 237, Gregory Isom.  
 17 PROSPECTIVE JUROR ISOM: Here.  
 18 THE CLERK: 238, Carol McKeever,  
 19 PROSPECTIVE JUROR McKEEVER: Here.  
 20 THE CLERK: 239, Janel Torgerson.  
 21 PROSPECTIVE JUROR TORGERSON: Here,  
 22 THE CLERK: 243, Jonathan Weinbach,  
 23 PROSPECTIVE JUROR WEINBACH: Here,  
 24 THE CLERK: 244, Christine Miller.

1 PROSPECTIVE JUROR CHRISTINE MILLER: Here.  
 2 THE CLERK: 246, Debra Strong.  
 3 PROSPECTIVE JUROR STRONG: Here.  
 4 THE CLERK: 247, Robert Miller.  
 5 PROSPECTIVE JUROR ROBERT MILLER: Here.  
 6 THE CLERK: 250, Victor Alarcon.  
 7 PROSPECTIVE JUROR ALARCON: Present,  
 8 THE CLERK: 252, Doug Dobyne.  
 9 PROSPECTIVE JUROR DOBYNE: Here.  
 10 THE CLERK: 254, Emigdio Estrada.  
 11 PROSPECTIVE JUROR ESTRADA: Here,  
 12 THE CLERK: 256, Tab Chaney.  
 13 PROSPECTIVE JUROR CHANEY: Here.  
 14 THE CLERK: 257, Wayne Griffin.  
 15 PROSPECTIVE JUROR GRIFFIN: Here.  
 16 THE CLERK: 259, Michael Snowden.  
 17 PROSPECTIVE JUROR SNOWDEN: Here,  
 18 THE CLERK: 261, Lloyd Taylor,  
 19 PROSPECTIVE JUROR TAYLOR: Here,  
 20 THE CLERK: 264, Delorise Hall.  
 21 PROSPECTIVE JUROR HALL: Here.  
 22 THE CLERK: 265, Wendy Real,  
 23 PROSPECTIVE JUROR REAL: Here.  
 24 THE CLERK: 267, Farhana Rahman,

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1 ladies and gentlemen at the plaintiff's and defendant's table  
 2 introduce themselves to you. They're going to be giving you  
 3 some information about the case, just a very, very brief  
 4 synopsis of what the nature of the case is. This is not the time  
 5 for the attorneys to make their opening argument or opening  
 6 statement to you. The opening statements will be made after  
 7 the jury selection has been completed.  
 8 They will, however, be telling you the names of any -  
 9 possible witnesses which may be called to the stand to testify  
 10 during the trial. Please listen to the names of all of the  
 11 witnesses as I will be asking you if you are familiar with any of  
 12 those individuals.  
 13 The State may proceed.  
 14 MS. DIGIACOMO: Thank you, Your Honor.  
 15 My name is Sandra DiGiacomo and this is William  
 16 Kephart. We are both deputy district attorneys and we're the  
 17 prosecutors assigned to present this matter to you.  
 18 The charges in the information are murder with use  
 19 of a deadly weapon and sexual penetration of a dead human  
 20 body. The facts behind this case occurred July 8, 2001, The  
 21 victim, Duran Bailey, was found blunt force trauma to the head  
 22 and multiple stab wounds, including the fact that his penis was  
 23 severed from his body and found a few feet from the body,  
 24 The Judge is gonna ask you if you ever heard

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1 PROSPECTIVE JUROR RAHMAN: Here.  
 2 THE CLERK: 268, Lesa Romney.  
 3 PROSPECTIVE JUROR ROMNEY: Here,  
 4 THE CLERK: 270, Jody S-A-T-A-L-L-A-N-T-E.  
 5 PROSPECTIVE JUROR SATALLANTE: Here.  
 6 THE CLERK: 271, Miguel Rosales,  
 7 PROSPECTIVE JUROR ROSALES: Here,  
 8 THE CLERK: 274, Lori Glynn.  
 9 PROSPECLIVE JUROR GLYNN: Here,  
 10 THE CLERK: 275, Sara Ski!bred.  
 11 PROSPECTIVE JUROR SKILBRED: Here,  
 12 THE CLERK: 276, Tye Halverson.  
 13 PROSPECTIVE JUROR HALVERSON: Here.  
 14 THE CLERK: 277, Eva Eastburn.  
 15 PROSPECTIVE JUROR EASTBURN: Here,,  
 16 THE CLERK: 278, Elisa Miguel.  
 17 PROSPECTIVE JUROR MIGUEL: Here,  
 18 THE CLERK: Thank you,,  
 19 THE COURT: Thank you, Ms. Clerk.  
 20 Is there anyone present who is wearing a juror's  
 21 badge whose name did not just get called by the clerk? If so,  
 22 please raise your hand.  
 23 The record shall reflect no response.  
 24 Ladies and gentlemen, I'm shortly going to have the

1 anything about this case before. So if you've heard anything  
 2 in the media, let the Judge know.  
 3 Our possible witnesses in this case are the following:  
 4 Diane Allen, Iain Anderson, Michele Austria, Paul  
 5 Rusty Brown, Richard Bywater, Crime Scene Analyst Jenny  
 6 Carr with the Las Vegas Metropolitan Police Department, Chris  
 7 Carrington, Christopher Collier, Sergeant Maribah Cowley with  
 8 the Lincoln County Sheriff's Office, custodian of records for  
 9 Cingular Wireless, custodian of records for Grover C. Dils  
 10 Medical, Carrie McCarty, and a custodian of records for Verizon  
 11 Wireless, Jody Citizen, also Jeremy Davis, Crime Scene Analyst  
 12 Dan Ford with the Metropolitan Police Department, Latent Print  
 13 Examiner Joe Geller with the Las Vegas Metropolitan Police  
 14 Department, Rebecca Hall who is a chemist with an out-of-  
 15 state lab, Laura Johnson, Crime Scene Analyst Teresa Main  
 16 also with the Metropolitan Police Department, Karinda  
 17 [phonetic] Martin, Heather McBride, Kimberly Miller, Jean  
 18 Page, Kristina Paulette who's a criminalist with the Las Vegas  
 19 Metropolitan Police Department, Steve Pyszkowski, Christopher  
 20 Reininger, Catherine Reininger, CSA Louise Renhard with the  
 21 Metropolitan Police Department, Zachary Robinson, Richard  
 22 Shott, Dr, Lary Simms who is a medical examiner here, Officer  
 23 James Testa with the Las Vegas Metropolitan Police  
 24 Department, Crime Scene Analyst Maria Thomas with the Las

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1 Vegas Metropolitan Police Department, Detective Thomas  
2 Thowsen also with Metro, Dixie Tienken, Douglas Twining,  
3 Thomas Wahl who's also a chemist with a lab out of state, and  
4 Lueron Williams.

5 The Court's indulgence,  
6 THE COURT: Yes.

7 (Off-record colloquy)

8 MS, DiGIACOMO: And there's another detective,

9 James LaRochelle with the Las Vegas Metropolitan Police  
10 Department,

11 THE COURT: Defendant's counsel may proceed,

12 MR. SCHIECK: Thank you, Your Honor.

13 Good morning, ladies and gentlemen. My name is  
14 David Schieck. I'm an attorney here in Clark County, Nevada,  
15 along with Shari Greenberger.

16 MS. GREENBERGER: Good morning.

17 MR. SCHIECK: And Sara Zalkin.

18 MS. ZALKIN: Good morning.

19 MR. SCHIECK: Who are attorneys from California.

20 We represent Kirstin Blaise Lobato.

21 Go ahead and turn around so they can see you.

22 In this case, the State has read a number of  
23 witnesses to you. Because our defense presents issues that  
24 involve an alibi, we have a number of witnesses that may or

1 who at one time resided in Panaca, Nevada, Ken Hafen,  
2 Panaca, Nevada, Clint and Connie Homan from Panaca,  
3 Nevada, Shirley Janson with Nevada State Bank, Dr. Syed  
4 Kamal who worked at the Medical Center in Panaca, Nevada,  
5 Phil Kohn he's an attorney here in Clark County, Shayne Kraft,  
6 John Kraft who at one time resided in Panaca, Nevada,  
7 Sergeant Cary Lee with the Lincoln County Sheriff's Office,  
8 Ashley Lobato, Lorenzo Lobato and Rebecca Lobato who are  
9 the sister, father and mother of our client, Jose Lobato who is  
10 the grandfather of our client who resides in Texas, Heather  
11 McBride, Carrie McCarty who is the custodian of records for the  
12 Medical Center there in Caliente, Robert and his wife, Jennifer,  
13 McCroskey from Panaca, Nevada, Kimberly Miller, Gloria  
14 Navarro, Diann Parker who is deceased, however testified at a  
15 prior proceeding and her testimony is anticipated to be read to  
16 the jury from that prior proceeding, Marilyn Parker, Shelley  
17 Pierce-Stauffer with the Clark County Coroner's Office, Stephen  
18 Pyszkowski who at one time resided here in Las Vegas,  
19 Catherine Reininger, Melissa Rowe with the Caliente Medical  
20 Center, Kathy Sharp with Nevada State Bank, Brenda Self who  
21 is a resident here in Clark County, Nevada, Kendra Thunstrom,  
22 Caliente, Nevada, Douglas Twining here in Las Vegas, Robert  
23 Twining here in Las Vegas, Violet Twining here in Las Vegas,  
24 and Sheila Willingham with the Caliente Clinic.

1 may not be called by the State. If I repeat the names of any  
2 witnesses, it's just because the State has also included them  
3 on their witness list.

4 We have James Aleman who is with the Federal  
5 Public Defender's Office, Iain Anderson, Michelle Osterle  
6 [phonetic] who is from Panaca, Nevada. A number of these  
7 witnesses are from the Lincoln County area of Nevada, which  
8 would include the cities of Caliente, Panaca and Pioche. So  
9 you -- if you have familiarity with those areas, you might want  
10 to pay attention'as to whether or not any of these names ring  
11 a bell to you as those are rather small communities in Lincoln  
12 County.

13 B. Baggeh, R. Barker, Phil Boucher who works for  
14 the Nevada Department of Transportation in Panaca, Nevada,  
15 Paul Rusty Brown, Richard Bywater, Jennifer Carr who's a  
16 crime scene analyst, Christopher Carrington who at one time  
17 did live in Panaca, Steve Choquer with the Lincoln County  
18 Road Department in Caliente, Nevada, Christopher Collier,  
19 Maribah Cowley] with the Lincoln County Sheriff's Office,  
20 JoAnn Dennert who at one time resided in Panaca, Nevada,  
21 Michelle Dunder who is an investigator, Steve Farris from  
22 Pioche, Nevada, Cindy Free who works for the Lincoln County  
23 Road Department, Richard Gloeckner who works for the  
24 Caliente Youth Center in Caliente, Nevada, Kim Isen Grindstaff

1 Additionally, you may hear testimony from a number  
2 of expert witnesses, including William Bodsiaak [phonetic] from  
3 Florida, Brent Turvey from Alaska, Charles Wetley [phonetic]  
4 from New York, Michael Laufer from California, and George  
5 Shirow [phonetic]. In addition, Dan Ford who is a crime scene  
6 analyst with the Las Vegas Metropolitan Police Department,  
7 James Smith who is a handwriting expert with the Las Vegas  
8 Metropolitan Police Department, Kristina Paulette who is a  
9 crime scene analyst with the Las Vegas Metropolitan Police  
10 Department,

11 Thank you,,

12 THE COURT: Thank you, counsel.

13 Ladies and gentlemen, as we proceed forward with  
14 the jury selection process it will be necessary for you to be  
15 placed under oath, so would you all please stand and raise  
16 your right hands to be sworn by the clerk at this time.

17 PROSPECTIVE JURORS ARE SWORN

18 THE CLERK: Thank you. Please be seated,

19 THE COURT: Thank you, Ms. Clerk,

20 Ladies and gentlemen of the potential jury panel, we  
21 are about to commence what's called the voir dire examination  
22 of the potential jurors. And "voir dire" is a Latin term which,  
23 loosely translated, means to tell the truth. In order to go  
24 through this process, you will be asked various questions that

1 bear on your ability to sit as a fair and impartial juror if  
 2 selected to serve here. To accomplish this result, it's  
 3 necessary that various questions be asked of you. The Court  
 4 will initially conduct the questioning and then the questioning  
 5 will turn over to counsel. Counsel for both sides will have the  
 6 opportunity to pose questions as well.

7 On occasion, some of the questions will seem  
 8 somewhat personal. Please understand that while we do not  
 9 wish to unnecessarily pry into your personal lives, the  
 10 questions are necessary so that Court and counsel can make  
 11 intelligent determinations as to your capabilities to serve fairly  
 12 and impartially. I want you to understand that myself and  
 13 everyone involved in this case is deeply concerned with having  
 14 it tried by jurors who are completely open-minded, neutral,  
 15 objective and unbiased in their thinking.

16 Wide discretion is vested in the trial judge as to the  
 17 method of examination of jurors so, as I stated previously, I  
 18 will personally conduct some of the voir dire but then I will  
 19 give the attorneys the opportunity to participate in the  
 20 questioning as well.

21 For counsels' edification, please do not ask questions  
 22 already asked or answered by the Court or other counsel, nor  
 23 questions that touch upon the anticipated instructions on the  
 24 law that the Court will be giving to the jury before the jury

1 the Court will call upon you. So that the tape-recording will be  
 2 able to verify who is speaking, before you answer any of the  
 3 questions you will need to identify yourself for the record. You  
 4 do that by stating the last three digits of your badge number  
 5 and your name, and then after that you may give your  
 6 response to the question. Also, if I ask a question and many  
 7 people raise their hand, then I will be calling upon you  
 8 individually off of the list in the order that was provided by the -  
 9 jury commissioner.

10 At some point during the jury selection process you  
 11 will be divided into two groups. The Court will proceed further  
 12 with additional questions of the first group and those in the  
 13 second group will need to listen to all of the questions because  
 14 if any of the seats in the first group become vacated, then a  
 15 person from the second group will be moved up to assume a  
 16 seat in the first group and then will be asked the very same  
 17 questions that were asked of the first group.

18 Also at some point during this process of jury  
 19 selection the attorneys for both sides will have the right to ask  
 20 that a particular juror or particular potential juror not be  
 21 selected to serve as a juror. These requests are called  
 22 challenges. Under our system there are two types of  
 23 challenges. There are challenges for cause and there are also  
 24 peremptory challenges. A challenge for cause means a juror is

1 retires to consider its verdict, nor questions that touch upon a  
 2 verdict that a juror would return when based upon  
 3 hypothetical facts, and that is probably my biggest pet peeve,  
 4 nor questions that in substance constitute argument of the  
 5 case.

6 Ladies and gentlemen, it's important that you  
 7 understand the significance of providing full, complete and  
 8 honest answers to all of the questions that are going to be  
 9 posed to you. I caution you not to try to hide or withhold  
 10 anything that might touch upon your qualifications to serve for  
 11 should you fail to answer truthfully or should you hide or  
 12 withhold anything that does touch upon your qualifications,  
 13 that may then contaminate the jury's verdict and,  
 14 unfortunately, subject you to individual inquiry even after  
 15 discharge from jury service.

16 The decision of the jury in this case should be based  
 17 on all of the evidence that is going to be presented at this trial  
 18 and should not be based on any preconceived prejudice or  
 19 bias. A prejudice is a predisposition against something or  
 20 someone and a bias is a predisposition in favor of something  
 21 or someone.

22 As I initiate the voir dire questioning, I'm going to  
 23 ask the questions of the entire group. If you wish to answer  
 24 yes to any of the Court's questions, please raise your hand and

1 being excused because some of the answers to the questions  
 2 indicate that he or she would have a difficult time giving a fair  
 3 and impartial hearing to the case. A peremptory challenge,  
 4 however, means that a juror can be excused from duty without  
 5 counsel having to give any reason for the excusal. Please do  
 6 not be offended should you be excused by either of these  
 7 challenge procedures as they are simply a part of the  
 8 procedures designed to protect the rights of the parties under  
 9 our system of government.

10 This being the fifth anniversary of the 9/11 attacks  
 11 on the United States causes us to reflect on our system of  
 12 government and how important It is and how fortunate we all  
 13 are as citizens of the United States to have this form of  
 14 government with the three independent branches, this being  
 15 the judicial branch that you've been called in here to  
 16 potentially be selected to serve upon today.

17 The first question by the Court is have any of you  
 18 ever been convicted of a felony?

19 The record shall reflect no response.

20 Is there any one of you who is not at this time a  
 21 citizen of the United States of America?

22 The record shall reflect no response.

23 Is there anyone who has such a sympathy, prejudice  
 24 or bias that relates to age, religion, race, gender or national

1 origin that they feel would affect their ability to be open-  
 2 minded, fair and impartial if selected to serve as a juror here?  
 3 The record shall reflect no response.  
 4 Are any of you acquainted with the defendant, Ms.  
 5 Lobato?  
 6 The record shall reflect no response.  
 7 Are any of you acquainted with defendant's counsel,  
 8 Ms, Greenberger?  
 9 The record shall reflect no response.  
 10 Are any of you acquainted with defendant's counsel,  
 11 Ms. Zalkin?  
 12 The record shall reflect no response.  
 13 Are any of you acquainted with defendant's counsel,  
 14 Mr, Schieck?  
 15 The record shall reflect no response.  
 16 Are any of you acquainted with the prosecuting  
 17 attorney, Ms, DiGiacomo?  
 18 The record shall reflect no response.  
 19 Is anyone acquainted with the prosecuting attorney,  
 20 Mr. Kephart?  
 21 The record shall reflect no response.  
 22 The Office of the District Attorney does employ  
 23 many deputies and other personnel. Is there anyone who has  
 24 such a close relationship either with the district attorney, Mr.

1-22

1 PROSPECTIVE JUROR ROSALES: Thank you.  
 2 THE COURT: We have another hand up in response  
 3 to that last question,  
 4 PROSPECTIVE JUROR BAKER: Yes. Yes, Your  
 5 Honor, I'm not sure if it fits or not.  
 6 THE COURT: Would you identify yourself, please?  
 7 PROSPECTIVE JUROR BAKER: My name is Howard  
 8 Baker, My badge number is 219. I'm a police officer, and I -  
 9 have had previous contact with the District Attorney's Office.  
 10 THE COURT; Do you believe that your contact with  
 11 the District Attorney's Office personnel would affect your ability  
 12 to serve as a fair and impartial juror in this case?  
 13 PROSPECTIVE JUROR BAKER: No.  
 14 THE COURT: Okay. We have just conducted what's  
 15 called a sidebar discussion. Sidebar discussions occur up here  
 16 at the bench between Court and counsel and concern issues of  
 17 scheduling for the trial or issues of law which are the  
 18 providence of the Court and not the providence of the jury. I  
 19 have found that doing the sidebar discussions allows the trial  
 20 to roll along a little more swiftly and smoothly because the  
 21 only other option is to exclude all of you out to the hallway and  
 22 then have the bailiff regroup you, return you and reseat you,  
 23 which obviously is a much more time-consuming process. So  
 24 for that reason, you will see the sidebars occurring during the

1-24

1 David Roger, his deputies or other members of his staff that  
 2 you feel might affect your ability to serve as a fair and  
 3 impartial juror in this case?  
 4 I have one hand up.  
 5 The last three digits of your badge number and your  
 6 name?  
 7 PROSPECTIVE JUROR ROSALES: 271.  
 8 THE COURT: You may remain seated,  
 9 PROSPECTIVE JUROR ROSALES: Miguel Rosales.  
 10 THE COURT: Mr. Rosales, who is it that you're  
 11 acquainted with?  
 12 PROSPECTIVE JUROR ROSALES: My sister works for  
 13 the city investigating murder cases and to watch evidence.  
 14 Her name is Margot Rosales.  
 15 MR. SCHIECK: Your Honor, can we approach for a  
 16 second?  
 17 THE COURT: Yes, counsel may approach.  
 18 We'll go off the record.  
 19 (Off-record bench conference at 11:53:48 until 11:57:43)  
 20 THE COURT: At this time the Court will thank and  
 21 excuse Miguel Rosales, Badge Number 271, for cause, And he  
 22 may report back to the Office of the Jury Commissioner,  
 23 Thank you for your service to your community, Mr.  
 24 Rosales,

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1 trial either by the Court asking counsel to approach or by  
 2 counsel asking to approach the bench, either way.  
 3 At this time we will be taking our lunch recess. The  
 4 law requires that I read to you a warning or an admonishment  
 5 each and every time we take a break in the case. So this is  
 6 the first time that you will be hearing it but then you will be  
 7 hearing it again with every future break.  
 8 Ladies and gentlemen, during this lunch recess you  
 9 are admonished not to talk or converse, not amongst  
 10 yourselves nor with anyone else, on any subject that is  
 11 connected with this trial, and you are not to read, watch or  
 12 listen to any report of or commentary on the trial or any  
 13 person connected with the trial, by any medium of information,  
 14 including, without limitation, newspaper, television, radio and  
 15 Internet, and you are not to form or express any opinion on  
 16 any subject connected with this trial until the case is finally  
 17 submitted to you.  
 18 The Court advises you also that the ladies and  
 19 gentlemen at the plaintiff's and the defendant's table are not  
 20 allowed to speak with the ladies and gentlemen of the jury for  
 21 any reason. So please understand that as you're coming and  
 22 going to and from the courthouse, walking through the  
 23 corridors or coming up and down the elevators, if any of them  
 24 are in proximity to you they will not be giving you a good

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1 morning hello or acknowledging you. Please understand that  
2 they are not ignoring you or being antisocial but, rather, are  
3 bound by law and ethics not to speak with you for it may  
4 contaminate the jury's verdict,

5 The Court is gonna ask that at 1:15 you all please  
6 be in the hallway outside the double doors. The bailiff will  
7 meet you out into the hallway to return you to your seats.

8 Court will be in recess III 1:15.

9 THE BAILIFF: All rise.

10 (Court recessed at 12:01:28 until 13:48:11)□

11 (Prospective jurors are present)

12 THE BAILIFF: Department II is back in session.

13 Please be seated.

14 THE COURT: The record shall reflect we're  
15 resuming trial in State versus Lobato under C177394, in the  
16 presence of the defendant and her three counsel, the two  
17 prosecuting attorneys, and ladies and gentlemen of the  
18 potential jury panel:.

19 The clerk's just provided me a copy of a motion  
20 filed by the State in open court, which the Court notes for the  
21 record.

22 During the recess over the lunch hour, we've had a  
23 couple of things transpire. And the Court at this time is -- the  
24 Court has discussed them with counsel in chambers.

1 The Court is aware that it is always a surprise to get  
2 your jury summons in the mail. I got one in the mail about a  
3 year and a half ago, and I responded. We were in the old  
4 courthouse at that time. You always have to rearrange your  
5 schedule and make alternative plans and figure out how to get  
6 downtown and park and get into the building and up the  
7 elevator, and all of those fun things that are a part of doing  
8 jury service.

9 The Court's going to ask the next question. I want  
10 you to understand the next question is not would it be  
11 inconvenient for you to do jury service because, if that were  
12 the question, everybody would raise their hand and we would  
13 never be able to do any trials in this courthouse. The question  
14 is would serving during this time frame pose an undue  
15 hardship upon anyone?

16 Okay.. This is one of those questions where I've had  
17 multiple people respond so I will be calling upon you in the  
18 order of the list provided by the Office of the Jury  
19 Commissioner, and you may put your hands down.

20 Beginning in the back row. Did anybody in that row  
21 have their hand up?

22 PROSPECTIVE JUROR BOUCKLEY: 088.

23 THE COURT: Yes, ma'am.

24 PROSPECTIVE JUROR BOUCKLEY: Lupe Bouckley.

1 The Court is going to thank and excuse for cause at  
2 this time a few of the potential jurors. Number 203, which is  
3 Ofer Gur. Number 204, which is Paul Gaulin. And 225, which  
4 is Bonnie Leonard.

5 The Court is gonna ask that Mr. Gur assist Ms.  
6 Leonard, You may exit through the rear doors and please  
7 proceed back to the Office of the Jury Commissioner.

8 We have a note which will be marked as Court's  
9 Number 1.

10 THE CLERK: Yes, Your Honor.

11 THE COURT: Proceeding forward with the voir dire  
12 questioning by the Court in the same fashion as we did prior to  
13 the lunch recess.

14 Is there anyone who is acquainted with any of the  
15 witnesses whose names were mentioned by counsel?

16 The record shall reflect no response.

17 Ladies and gentlemen, as you heard from counsel,  
18 there are going to be a number of witnesses called to give  
19 testimony in this case. It's anticipated that the case will take  
20 two to three weeks to try, that it will be concluded, at the very  
21 latest, by Friday which would be the --

22 MS. DiGIACOMO: 29th.

23 THE COURT: 29<sup>th</sup> of September.

24 Thank you, Ms. DiGiacomo.

1 I'm a diabetic and cannot sit for more than thirty minutes,  
2 stand, whatever. I'm on insulin. And I don't have a doctor's  
3 note. And I also have a sixteen-year-old that's under house  
4 arrest and I'm supposed to be with him.

5 THE COURT: Okay. Continuing down that row  
6 PROSPECTIVE JUROR ARIENO: 196, Frank Arlen°,  
7 I just started a new business.

8 THE COURT: Continuing down that row.

9 PROSPECTIVE JUROR TONG: 197. I don't —

10 THE COURT: Edric Tong?

11 PROSPECTIVE JUROR TONG: Yes. I don't think I  
12 can attend so many days because I have job and —

13 THE COURT: Because why?

14 PROSPECTIVE JUROR TONG: Because I need to  
15 work and I know my schedule is pretty tight. I got two hours  
16 a day.

17 THE COURT: Anyone else in that row?

18 PROSPECTIVE JUROR WILLSON: 205. Greg  
19 Willson. I have a new building coming out of the ground  
20 starting September 15<sup>th</sup>. It's a 46-story tower over at the City  
21 Center Project. The time -- the timing just doesn't quite work  
22 out for me. That's it.

23 THE COURT: In the front row?

24 PROSPECTIVE JUROR WILCOX: 209, Gary Wilcox,



1 Your Honor. I work graveyard as a slot technician, plus also I  
 2 start a school September 30<sup>th</sup> that takes me 'til 1 May of next  
 3 year.  
 THE COURT: We'll be done September 29<sup>th</sup> at the  
 latest,  
 6 PROSPELITIVE JUROR WILCOX: Okay. That's fine.  
 7 THE COURT: Okay. You may be seated.  
 8 Along that row? Yes, sir,  
 9 PROSPECTIVE JUROR FROSCHEUSER: 212,  
 10 Randall Froschheuser. I have a vacation scheduled out of  
 11 state with reservations, and so I don't know.  
 12 THE COURT: When is your vacation?  
 13 PROSPECTIVE JUROR FROSCHEUSER: It starts the  
 14 21<sup>st</sup>.  
 15 THE COURT: Can you slide it a week?  
 16 PROSPECTIVE JUROR FROSCHEUSER: I probably  
 17 could.  
 18 THE COURT: Okay, Continuing down that row.  
 19 Yes, ma'am,  
 20 PROSPECTIVE JUROR GIARDINA: 215, Karen  
 21 Giardina. I'm a schoolteacher and school just started, and  
 22 three weeks would be a long time to be out of the classroom  
 23 at the beginning of the school year.  
 24 THE COURT: You have substitutes available?

1 Lenhardt. I'm a union electrician and a sole provider, and I'm  
 2 in the process of buying a house. And it would be an undue  
 3 hardship for me to serve,  
 THE COURT: Okay, In the front row?  
 PROSPECTIVE JUROR BAKER: Howard Baker, 219,  
 6 I'm a police officer with the Clark County School District. Right  
 7 now we're presently at a hundred and sixty officers, We're  
 8 down twenty-eight officers. I'm a patrol officer. The area I  
 9 have would be gone. There's no one there. And that's  
 10 covering about twenty-five schools,  
 11 THE COURT: You personally patrol twenty-five  
 12 schools on a daily basis?  
 13 PROSPECTIVE JUROR BAKER: Yes, ma'am. There's  
 14 myself and there's two patrol officers and a sergeant, and we  
 15 have from Charleston to Flamingo, from the 1-15 all the way  
 16 up to as far east as you can go.  
 17 THE COURT: So there's three of you that together  
 18 cover that area?  
 19 PROSPECTIVE JUROR BAKER: There's three of us.  
 20 And in that total area there is probably about eighty schools.  
 21 THE COURT: Okay.  
 22 PROSPECTIVE JUROR CICILIANO: Mine is not so  
 23 much that I —  
 24 THE COURT: I need you to identify yourself,

1 PROSPECTIVE JUROR GIARDINA: Clark County, it's  
 2 hard right now.  
 3 THE COURT: You're with the Clark County School  
 District?  
 6 PROSPECTIVE JUROR GIARDINA: Right,  
 7 THE COURT: The problem with the schoolteachers  
 8 is that during summertime they're on vacation, and then when  
 9 they're not on vacation they're in school.  
 Continuing down that row. Yes, sir.  
 10 PROSPECIIVE JUROR BLACK: 216, Wendell C.  
 11 Black, I'm a financial crimes analyst with the United States  
 12 Secret Service, and I'm assisting with a money laundering case  
 13 down in Columbia, South Carolina. I will be gone from  
 14 September 18<sup>th</sup> to September 27<sup>th</sup>.  
 15 THE COURT: You mean you had been planning to  
 16 be gone from —  
 17 PROSPECTIVE JUROR BLACK: Due. That's —  
 18 THE COURT: -- September 18th,  
 19 PROSPECTIVE JUROR BLACK: No, they actually —  
 20 they got me, And, I mean, I'm just kind of --  
 21 THE COURT: Oh, I got you now, Thank you, Mr.  
 22 Black,  
 23 Yes, sir.  
 24 PROSPECTIVE JUROR LENHARDT: 218, Curtis

1 PROSPECTIVE JUROR CICILIANO: Oh, Thomas  
 2 Ciciliano, Number 220. I work a twenty-four-hour shift. I  
 3 work for the Clark County Fire Department. Are we able  
 during this court to also then go back to work during the  
 proceedings or how would that work out? It's more of a  
 6 question. I imagine they'll get somebody to work for me if you  
 7 keep me here,  
 8 THE COURT: Generally, the fire department does  
 9 provide coverage. But we will be in session Monday through  
 10 Friday. We will not be in session in the mornings until 10:30  
 11 Monday, Tuesday, Wednesday, Thursday. We may start  
 12 earlier on Fridays.. Mondays and Wednesdays we have civil  
 13 law and motion calendar at 9:00 o'clock and Tuesdays and  
 14 Thursdays we have criminal calendar and sentencings at 9:00  
 15 o'clock. So I'm not sure what they're gonna require of you of  
 16 the time that you're out of court. But we will generally recess  
 17 at 5:00 in the evening.  
 18 PROSPECTIVE JUROR CICILIANO: That was my  
 19 question. After that 5:00 o'clock, I go -- I can go back on  
 20 duty. On weekends, I can also work?  
 21 THE COURT: Right. We won't be in session on  
 22 Saturday or Sunday.  
 23 Continuing down his row,  
 24 PROSPECTIVE JUROR JONES: I am James Jones.

1 My badge number is 222.  
 2 THE COURT: Yes, sir.  
 3 PROSPECTIVE JUROR JONES: And my wife is  
 4 disabled and I'm the only source of income for our family right  
 5 now. And I've been working all sorts of different shifts. We're  
 6 trying to keep ends meet. And loss of any pay right now  
 7 would be just terrible for us because I could not even afford to  
 8 keep us in our house because I'm on the verge of eviction  
 9 right now. Plus, I worked all night and I haven't had any sleep  
 10 yet,  
 11 THE COURT: Okay.  
 12 PROSPECTIVE JUROR CHERRY: 223, Rowena  
 13 Cherry. I am a single parent working three jobs, one of which  
 14 is delivering the newspaper which I have nobody to cover my  
 15 seven-day-a-week route. And for me to not see the news  
 16 would mean I would have to have somebody cover the route,  
 17 If I don't have somebody cover the route, I lose my job. So  
 18 the other two jobs, I work during the time I would be in court.  
 19 So it would be a financial hardship for me.  
 20 THE COURT: Anyone else in that row?  
 21 PROSPECTIVE JUROR MANN: 226, Dave Mann. I'm  
 22 a small business owner and I have -- I'm the sole source of  
 23 revenue for my company and I have a payroll to support every  
 24 week. In addition to that, next week I have a class that I've

1 morning? Most of -- most of the therapists' offices open at  
 2 7:00.  
 3 PROSPECTIVE JUROR CHAPMAN: That's been  
 4 explored with my case nurse. There is nothing open at the  
 5 time and it's too late in the evening. I could go -- I live, where  
 6 I live, where -- the clinic I'm going to, she didn't tell me about  
 7 anything available in the morning. I don't know of anything  
 8 available in the morning, And --  
 9 THE COURT: What time do you usually go?  
 10 PROSPECTIVE JUROR CHAPMAN: What do you  
 11  
 12 THE COURT: Right.  
 13 PROSPECTIVE JUROR CHAPMAN: 1:00 p.m.,  
 14 THE COURT: Okay. If you'd turn the letter over to  
 15 the bailiff, please,  
 16 PROSPECTIVE JUROR CHAPMAN: Yes, ma'am.  
 17 THE COURT: Continuing down that row.  
 18 Yes, ma'am.  
 19 PROSPECTIVE JUROR HESS: 234, Sandra Hess. My  
 20 husband had lung surgery last month. He had a 24-inch blood  
 21 clot in there, and so they had to go in, open him up. And he  
 22 can't drive for eight to ten weeks, and he goes to the doctor  
 23 twice a week to have -- for his checkups, plus have his blood  
 24 count checked and to get shots because it's kind of off still. So

1 had for -- signed up for six months. It's for a financial  
 2 certification. And I purchased the class and the plane tickets  
 3 and it's not refundable.  
 4 THE COURT: How much was the class and the  
 5 plane tickets?  
 6 PROSPECTIVE JUROR MANN: The class was \$1500  
 7 and then the plane tickets weren't bad, maybe 150,  
 8 THE COURT: Thank you,  
 9 And the next row?  
 10 PROSPECTIVE JUROR CANTOR: Karl Cantor, Badge  
 11 231, I am the sole provider for my family right now. It's very  
 12 hard for me to lose any money. I'm starting up a new job or a  
 13 new construction site the beginning of next week.  
 14 THE COURT: Continuing down that row.  
 15 Yes, sir.  
 16 PROSPECTIVE JUROR CHAPMAN: 232, Thomas  
 17 Chapman, I suffered a workplace injury in March of this year,  
 18 consequently, moved through the Workers' Compensation  
 19 process, And I was not effective in getting them to initiate  
 20 effective treatment until three weeks ago. It just commenced.  
 21 It's not completed. I don't want to stop. And at this point I  
 22 do have a letter from my therapist appealing to [unintelligible],  
 23 you know, That's the best I can tell you.  
 24 THE COURT: Can you do your therapy in the

1 I -- he doesn't have anyone there except me to take him, plus  
 2 I'm the only one working because he's gonna be disabled for  
 3 about three months.  
 4 THE COURT: Is there any reason why he can't  
 5 schedule his doctor's appointments in the mornings?  
 6 PROSPECTIVE JUROR HESS: Well, his doctors have  
 7 surgery. So -- yeah. Yeah. I think just about every  
 8 appointment they always schedule for the afternoons.  
 9 THE COURT: Continuing down that row,  
 10 Yes, ma'am,  
 11 PROSPECTIVE JUROR MOIR: Michelle Moir, 235.  
 12 I'm the sole provider of myself, two children. I'm a single  
 13 mother. I do work as a nurse and I could be here, but I don't  
 14 know what the policy and the procedures are where I work, if  
 15 they would compensate me or not out of my PTO 'cause I  
 16 don't have PTO. So as long as they can compensate me,  
 17 that's fine. But if they don't, then I would have to work.  
 18 THE COURT: You should place a call on the next  
 19 break.  
 20 PROSPECTIVE JUROR MOIR: Okay.  
 21 THE COURT: Continuing down that row.  
 22 PROSPECTIVE JUROR ISOM: 237, Greg Isom. Its  
 23  
 24 for me to make my obligations.

1 THE COURT: If you do jury service you won't be  
 2 able to pay your bills?  
 3 PROSPECTIVE JUROR ISOM: That's basically the  
 4 long and short of it, ma'am.  
 5 THE COURT: And then what would happen?  
 6 PROSPECTIVE JUROR ISOM: I think I —  
 7 THE COURT: Do you have a savings account?  
 8 PROSPECTIVE JUROR ISOM: I'd have to borrow  
 9 money to pay my bills, I think. I don't have a lot of money,  
 10 THE COURT: Do you have a savings account?  
 11 PROSPECTIVE JUROR ISOM: No, ma'am.  
 12 THE COURT: Do you have a credit card?  
 13 PROSPECTIVE JUROR ISOM: No.  
 14 THE COURT: Anyone else in that row? No.  
 15 In the row behind?  
 16 PROSPECTIVE JUROR WEINBACH: 243, Jonathan  
 17 Weinbach. I have a wedding in Washington, D.C. next  
 18 weekend, which I'm a groomsman. I have a flight on Friday  
 19 that's already scheiderd,  
 20 THE COURT: What time is your flight?  
 21 PROSPECTIVE JUROR WEINBACH: 7:00 in the  
 22 morning, 9:00 in the morning.  
 23 THE COURT: When is the wedding?  
 24 PROSPECTIVE JUROR WEINBACH: The wedding

1 Alarcon. I'm traveling. On the 15<sup>th</sup> of this month, I'm  
 2 traveling to Mexico for about three to four weeks.  
 3 THE COURT: Well, kind of the same thing. You  
 4 were hoping to be traveling on the —  
 5 PROSPECTIVE JUROR ALARCON: No, no.  
 6 THE COURT: -- 15<sup>th</sup> of —  
 7 PROSPECTIVE JUROR ALARCON: Well, if I'm  
 8 reimbursed for the money.  
 9 THE COURT: Why are you going to Mexico?  
 10 PROSPECTIVE JUROR ALARCON: Business.  
 11 THE COURT: Is there any reason why you can't  
 12 push that business trip forward a couple weeks?  
 13 PROSPECTIVE JUROR ALARCON: No, There's a  
 14 horse live auction on the first week on October, and I'm taking  
 15 four horses from here to sell them in the auction. So I've got  
 16 to make arrangements to get the animals down there and  
 17 stable them and all that.  
 18 THE COURT: The horse auction is October 15t?  
 19 PROSPECTIVE JUROR ALARCON: It's the — between  
 20 the first week of October. It's on the -- during that week.  
 21 THE COURT: How often do they do the auctions?  
 22 PROSPECTIVE JUROR ALARCON: This one's once a  
 23 year for the expo they have for the fair and all that, It's in  
 24 Central Mexico, in Guadalajara.

1 itself is on Saturday but there is -- part of the wedding is on  
 2 Friday night,  
 3 THE COURT: The wedding goes from Friday night  
 4 into Saturday?  
 5 PROSPECTIVE JUROR WEINBACH: There's like a  
 6 rehearsal dinner on Friday night which, as part of the bridal  
 7 party, I'm expected to attend,  
 8 THE COURT: Okay. Continuing down that row.  
 9 Yes, ma'am.  
 10 PROSPECTIVE JUROR STRONG: 246, Debra Strong.  
 11 I have a son with a medical condition. He has two doctors'  
 12 appointments this week and he always has one each — every  
 13 week he has a doctor's appointment,  
 14 THE COURT: How old is your son?  
 15 PROSPECTIVE JUROR STRONG: He's sixteen.  
 16 THE COURT: Does he drive?  
 17 PROSPECTIVE JUROR STRONG: No.  
 18 THE COURT: Is there someone else that can take  
 19 him to his appointments?  
 20 PROSPECTIVE JUROR STRONG: No. My husband is  
 21 a teacher. And he has a psychologist appointment and the  
 22 psychologist likes to have both parents at the appointment.  
 23 THE COURT: Okay. Continuing down her row.  
 24 PROSPECTIVE JUROR ALARCON: 250, Victor

1 THE COURT: Thank you.  
 2 Anyone else in that row?  
 3 PROSPECTIVE JUROR DOBYNE: Yes. Doug  
 4 Dobyne, 252. My company is currently in the process of  
 5 responding to requests for proposal from McCarran Airport. I  
 6 am the primary respondent for that. The proposal is -- our  
 7 response is due back by the 29<sup>th</sup> of September. It's well over  
 8 a hundred-page document from the airport.  
 9 THE COURT: Okay. Anyone else in that row?  
 10 Coming to this side along the front. In the stripes.  
 11 PROSPECTIVE JUROR RAHMAN: 267, Farhana  
 12 Rahman. I'm a kindergarten teacher and I just started a  
 13 couple weeks ago for the Clark County School District, and I'm  
 14 also an UNLV student.  
 15 THE COURT: You're kind of in the same boat as she  
 16 was in. Where are you a student?  
 17 PROSPECTIVE JUROR RAHMAN: At UNLV.  
 18 THE COURT: When are your classes?  
 19 PROSPECTIVE JUROR RAHMAN: Tuesday and  
 20 Thursdays at -- right after school.  
 21 THE COURT: What time?  
 22 PROSPECTIVE JUROR RAHMAN: 4:15.  
 23 THE COURT: Did you just start the semester?  
 24 PROSPECTIVE JUROR RAHMAN: What? For UNLV?

1 Yeah.  
2 THE COURT: How many classes have you done so  
3 far?  
4 PROSPECTIVE JUROR RAHMAN: I think two each.  
5 THE COURT: Okay. Continuing down that row.  
6 PROSPECTIVE JUROR REAL: 265, Wendy Real. I've  
7 been back to work for four weeks. I just had a baby in April.  
8 I've used up all my FMLA and personal time off work,  
9 THE COURT: Okay. Continuing down that row,  
10 PROSPECTIVE JUROR HALL: 264, Delorise Hall. I'm  
11 a cancer survivor. I've been off nine months, Now I'm just  
12 going back to work, and I'm the only person in my house that  
13 is working. And my job don't pay. They only pay the basic  
14 day. And at this point I've used up all my savings, been off  
15 nine months, and so my credit cards is maxed. So I need to  
16 work,  
17 THE COURT: You're the only one in your household  
18 generating income at this time?  
19 PROSPECTIVE JUROR HALL: Yes.  
20 THE COURT: Are there any other adults in your  
21 household?  
22 PROSPECTIVE JUROR HALL: No, My  
23 granddaughter, That's it.  
24 THE COURT: How old is she?

1 asked who in the next row doesn't want to raise your hand.  
2 Okay. Starting on the aisle in the stripes.  
3 PROSPECTIVE JUROR MIGUEL: 278, Elisa Miguel.  
4 I'm a nurse and I work —  
5 THE COURT: Hold on. 278? I found you,  
6 PROSPECTIVE JUROR MIGUEL; I'm a nurse and I  
7 work ten hours four to five days a week just to cover the  
8 nursing short dates, and I'm scheduled also to see my son in  
9 Reno, he's in college, from the 16<sup>th</sup> through 28<sup>th</sup> of the month,  
10 this month,  
11 THE COURT: Continuing down that row,  
12 PROSPECTIVE JUROR EASTBURN: 277, Eva  
13 Eastburn. I have two children, twelve and sixteen. I pick my  
14 daughter up every day from school. She's not in the -- she's  
15 not in the school we're zoned for. I also work in the school  
16 district part-time. I'm an assistant in the cafeteria. So I'm  
17 home by 2:00 so I can pick her up. Today my husband is  
18 supposed to be picking her up, and he got -- he's a manager  
19 for Krispy Kreme Donuts and he's the general manager. So  
20 one of his managers called in, so now he's taking her to work  
21 with him 'til I get done. And I don't have any way to watch  
22 them after school.  
23 THE COURT; A kid going to a donut store? It  
24 doesn't sound like such a bad thing.

1 PROSPECTIVE JUROR HALL: She's sixteen.  
2 THE COURT: Okay. Anyone else in that row?  
3 PROSPECTIVE JUROR SNOWDEN: 259, Michael  
4 Snowden, I'm an owner/operator of a small landscape  
5 company here in town. And right now I'm the only person  
6 doing the sales.  
7 THE COURT: Okay. Anyone else in that row?  
8 PROSPECTIVE JUROR CHANEY: 256, Talib Chaney.  
9 I take care of my two small children, two and five years old,  
10 every day at 4:00 o'clock. And my wife is missing work today  
11 because I'm here,  
12 THE COURT: Where are they prior to 4:00 pm.?  
13 PROSPECTIVE JUROR CHANEY; They're with their  
14 mother. She works swing and I work [unintelligible] shift. And  
15 it takes still two incomes just to get by today.  
16 THE COURT; Is there anyone in the family that  
17 could watch the kids --  
18 PROSPECTIVE JUROR CHANEY: No, There's no --  
19 THE COURT: -- for like an hour and a half every  
20 day?  
21 PROSPECTIVE JUROR CHANEY: No, there's no one  
22 here. She has no family here and I have no family here. She's  
23 from L.A. I'm from Chicago,  
24 THE COURT: Okay. In the next row. I should have

1 PROSPECTIVE JUROR EASTBURN: No, but -- it  
2 doesn't, but he has to work while she sits there. So and there  
3 is nobody there to watch them,  
4 THE COURT: Oh, I'm sure there will be something  
5 to occupy her with. So it's a twelve-year-old and how old?  
6 PROSPECTIVE JUROR EASTBURN: Fifteen,  
7 THE COURT: Okay. Oh, it's been a few moons ago,  
8 but when I was an undergraduate I used to go in at 3:00 in  
9 the morning to bake donuts and do all of the raising and the  
10 frosting and the jimminies and the sprinkles and the stuffing  
11 with the raspberry jelly in it. There is plenty of fun stuff to  
12 play with in a donut store.  
13 PROSPECTIVE JUROR EASTBURN: Yeah, but they're  
14 not allowed to do that stuff. They'll get in trouble,  
15 unfortunately.  
16 THE COURT; Continuing down that row,  
17 PROSPECTIVE JUROR HALVERSON: 276, Tye  
18 Halverson. I'm chief operating officer of Southwest Air  
19 Conditioning, That means I run the day-to-day operations. I  
20 can usually afford to take a few days off a year. But my  
21 company, I do all the check signing and everything. I'm also  
22 the -- the only time I was scheduled to go out of town was the  
23 23<sup>rd</sup> to represent the Sheet Metal and Air Conditioning  
24 Contractors National Association for ITMO [phonetic], which is

1 the International Toning [phonetic] and Mechanical Officials,  
 2 and was supposed to be going on that conference on the 23rd  
 3 of this -- of this month, And I'm also supposed to be in the —  
 4 THE COURT: Where is the conference gonna be  
 5 held?  
 6 PROSPECTIVE JUROR HALVERSON: Chicago. I'm  
 7 also supposed to be in two meetings for the next two weeks  
 8 with the building officials. We're trying to finalize the uniform  
 9 mechanical and plumbing code. My tickets have already been  
 10 purchased and the hotel has been purchased and everything's  
 11 been purchased,  
 12 THE COURT: For Chicago?  
 13 PROSPECTIVE JUROR HALVERSON: Yes.  
 14 THE COURT: Is there someone else who can attend  
 15 in your place?  
 16 PROSPECTIVE JUROR HALVERSON: No. I'm --  
 17 THE COURT: Are you —  
 18 PROSPECTIVE JUROR HALVERSON: I've been the —  
 19 THE COURT: -- elected to a position where you're  
 20 required to be present?  
 21 PROSPECTIVE JUROR HALVERSON: I'm elected to a  
 22 position, I'm a voting member. I'm also the code's committee  
 23 chairman for SMAKNA [phonetic]. And I've been serving in  
 24 that position now for about six years. There's nobody else on

1 THE COURT: Anybody else in that row?  
 2 PROSPECTIVE JUROR SATALLANTE: Jody  
 3 Satallante. I'm the sole provider for my family. Savings, zero,  
 4 \$100 in checking. One credit card, 500, maxed out. Missed  
 5 work would mean I wouldn't be able to pay rent, car payment,  
 6 so on, and there's no way I can make it without working for  
 7 my family and just to have a roof over our heads. That's all.  
 8 THE COURT: Anyone else in that row?  
 9 Anyone else that I have not called upon wish to  
 10 respond to that question?  
 11 The record shall reflect no further response.  
 12 Would counsel please approach?  
 13 (Off-record bench conference at 14:21:44 until 14:34:41)  
 14 THE COURT: At this time there are a number of you  
 15 who are gonna be thanked and excused for cause. As your  
 16 badge number and your name is read, you may exit through  
 17 the double rear doors and please report back to the Office of  
 18 the Jury Commissioner.  
 19 088, Lupe Bouckley. 222, James Jones. 226, David  
 20 Mann, 232, Thomas Chapman. 234, Sandra Hess. 243,  
 21 Jonathan Weinbach. 246, Debra Strong. 250, Victor Alarcon.  
 22 256, Talib Chaney. 264, Delorise Hall. 267, Farhana Rah man.  
 23 270, Jody Satallante. 276, Tye Halverson.  
 24 Is there anyone who has a difficulty with the English

1 the committee. We go to make sure that our association's  
 2 relationship with those building officials stay current.  
 3 THE COURT: Anyone else in his row?  
 4 PROPELLIVE JUROR GLYNN: 274, Lori Glynn. I  
 5 have four children and one which has just started UNLV, If I  
 6 have to serve on a jury, I could lose my house. My child will  
 7 have to quit college. I can't afford it. It'll be financially  
 8 devastating for my family,  
 9 THE COURT: Do you have a savings account?  
 10 PROSPECTIVE JUROR GLYNN: I just — why would I  
 11 want to spend my hard-earned savings just to pay my  
 12 mortgage and stuff? I need to work. I mean, I can't see  
 13 depleting my savings account to appear on a jury. Ill drain it,  
 14 I have very little in there. And if -- I've worked my butt off for  
 15 it. And it wouldn't even cover college,  
 16 THE COURT: You have a credit card?  
 17 PROSPECTIVE JUROR GLYNN: Yeah, It's practically  
 18 maxed out because my daughter had to start college and I had  
 19 to put all her books on it. Plus, I've got three boys I had to  
 20 buy school clothes for, and the mortgage and a 400-dollar-a-  
 21 month utility bill,  
 22 THE COURT: Okay,  
 23 PROSPECTIVE JUROR GLYNN: It would be  
 24 financially devastating,

1 language that they believe would affect their ability to serve as  
 2 a juror here?  
 3 I have a hand up.  
 4 PROSPECTIVE JUROR WARD: Let's see. I looked at  
 5 my badge. 638, Lumduan Ward.  
 6 THE COURT: Have you been able to understand  
 7 everything that's transpired in this trial so far?  
 8 PROSPECTIVE JUROR WARD: No, ma'am. I  
 9 understand really little English, I mean.  
 10 THE COURT: The Court will thank and excuse you  
 11 for cause, and you may report back to the Office of the Jury  
 12 Commissioner.  
 13 PROSPECTIVE JUROR WARD: Thank you, ma'am,  
 14 THE COURT: Is there anyone who believes that  
 15 they have a medical problem that would preclude them from  
 16 participating in this trial?  
 17 The record shall reflect no response.  
 18 Have any of you ever been employed in law  
 19 enforcement?  
 20 Okay. We've got a few hands up, a couple that  
 21 we've spoken to before that we're gonna talk to again and a  
 22 few in addition.  
 23 In the front row in the blue,  
 24 PROSPECTIVE JUROR BLACK: Oh. 216, Wendell

1 Black. I'm a employee with the United States Secret Service,  
2 the federal law enforcement agency that investigates financial  
3 crimes and crimes against missing and exploited children. I  
4 also currently work on a task force with the Secret Service that  
5 also incorporates local, state and other federal law  
6 enforcement agencies.

7 THE COURT: How long have you been employed in  
8 this capacity?

9 PROSPECLINE JUROR BLACK: Four years.

10 THE COURT: Four years. And have all four years  
11 been here in the Las Vegas area?

12 PROSPECTIVE JUROR BLACK: Yes, ma'am.

13 THE COURT: What line of work were you in prior to  
14 the one that you're currently in?

15 PROSPECTIVE JUROR BLACK: I was a federal  
16 inspector prior to being a financial crimes analyst.

17 THE COURT: Postal inspector?

18 PROSPECTIVE JUROR BLACK: No, I'm sorry,  
19 Customs.

20 THE COURT: Customs inspector. How long did you  
21 do that work?

22 PROSPECTIVE JUROR BLACK: Eight years.

23 THE COURT: Did you listen to the names of all of  
24 the witnesses that the attorneys listed?

1 PROSPELWE JUROR BAKER: No, Your Honor.

2 THE COURT: Thank you,

3 Yes, sir.

4 PROSPECTIVE JUROR ROBERT MILLER: Bob Miller,  
5 247,

6 THE COURT: Yes, Mr. Miller.

7 PROSPECLWE JUROR ROBERT MILLER: I retired  
8 from Metro, worked part-time for them for Twelve years. I did  
9 recognize one name, Tommy Thowsen, but I don't know him  
10 real well. My son-in-law is a sergeant with Metro.

11 THE COURT: How long has your son-in-law been  
12 with Metro?

13 PROSPECTIVE JUROR ROBERT MILLER: Fifteen,  
14 twenty years,

15 THE COURT: Do you know what his assignment is?

16 PROSPECTIVE JUROR ROBERT MILLER: Right now?  
17 He's in the bureau but I'm not sure exactly what division he is.

18 THE COURT: What's his name?

19 PROSPECTIVE JUROR ROBERT MILLER: Chip  
20 Minello,

21 M-I-N-E-L-L-O.

22 THE COURT: What did you do with Metro?

23 PROSPECTIVE JUROR ROBERT MILLER: I had six  
24 years as a night detective, four years in criminal investigation

1 PROSPECTIVE JUROR BLACK: Yes, I'm not familiar  
2 with any of the names of the witnesses, although the Las  
3 Vegas Metro Police detectives on our task force, I'm not sure if  
4 they're -- if they know of them or have worked with them. So  
5 I'm not sure how that relates to the case itself,

6 THE COURT: Okay. Is there anyone on your task  
7 force that's designated to work homicide cases?

8 PROSPECTIVE JUROR BLACK: No. Mostly financial  
9 crimes, identity theft and electronic crimes, along with cases  
10 pertaining to missing and exploited children, child pornography  
11 and things like that,

12 THE COURT: Okay, Thank you, Mr. Black.

13 PROSPECTIVE JUROR BLACK: You're welcome.

14 THE COURT: Anyone else in this section?

15 Out in the audience in the first section?

16 Yes, sir.

17 PROSPECTIVE JUROR BAKER: Howard Baker, Badge  
18 Number 219. I'm with the Clark County School District Police.  
19 I'm a patrol officer.

20 THE COURT: How long have you had that  
21 employment?

22 PROSPECLIVE JUROR BAKER: Fourteen years.

23 THE COURT: Were you familiar with any of the  
24 witnesses that were named?

1 and fifteen years in uniform. The twelve years I worked part-  
2 time was for repeat offenders,

3 THE COURT: If a -- if an officer from the Las Vegas  
4 Metropolitan Police Department comes into this courtroom to  
5 give testimony and takes the witness stand during this trial, do  
6 you think that you will be able to keep an open mind and  
7 judge that witness's testimony as you would any other witness  
8 or do you think that because of your past employment history  
9 you might have a tendency to weigh that witness's testimony  
10 differently than you would other witnesses?

11 PROSPECTIVE JUROR ROBERT MILLER: I don't  
12 think I would weigh it any different than anything else.

13 THE COURT: Okay, Thank you,

14 To go back to 219, Howard Baker, and ask you  
15 basically that same question. If a member of law enforcement  
16 testifies, do you think that you'll be able to keep an open mind  
17 and weigh their testimony as you would any other witness?

18 PROSPECTIVE JUROR BAKER: I can't answer the  
19 same way, Your Honor. I think I -- the right thing would be to  
20 weigh it the same, but I don't know if I actually could actually  
21 do that,

22 THE COURT: In your heart of hearts, do you think  
23 you would have a tendency to give them more or greater  
24 weight just because they are a member of law enforcement?

1 PROSPECTIVE JUROR BAKER: Yes, Yes, Your  
 2 Honor, I believe I would,  
 3 THE COURT: And the same question for 216,  
 4 Wendell Black.  
 5 Do you think you would keep an open mind with an  
 6 officer? Do you think you'd have a tendency to assess their  
 7 weight differently?  
 8 PROSPECTIVE JUROR BLACK: Probably so, I've  
 9 been in law enforcement for about twelve years.  
 10 THE COURT: Probably so which way?  
 11 PROSPECTIVE JUROR BLACK: I would. I've worked  
 12 with a lot of law enforcement officers, and I just -- I would like  
 13 to be fair but I would -- I would tend to put a little more  
 14 weight into a law enforcement officer's testimony as opposed  
 15 to anybody else's. I'm sorry. I'd rather be -- you know, tell  
 16 you the honest truth about it, You know, that's how I feel  
 17 about it.  
 18 THE COURT: The Court appreciates your honesty.  
 19 PROSPECTIVE JUROR BLACK: Thank you,  
 20 THE COURT: Anyone else have law enforcement  
 21 experience?  
 22 I've got a couple more hands up over here.  
 23 PROSPECTIVE JUROR CHRISTINE MILLER: Me?  
 24 244, Christine Miller,

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1 Lloyd Taylor,,  
 2 THE COURT: Yes, sir.  
 3 PROSPECTIVE JUROR TAYLOR: I was employed  
 4 with the Sheriff's Office in Virginia from 1985 to '93.  
 5 THE COURT: '85 to '93?  
 6 PROSPECTIVE JUROR TAYLOR: Yes, ma'am,  
 7 THE COURT: In what capacity?  
 8 PROSPECTIVE JUROR TAYLOR: I worked in the  
 9 booking department,  
 10 THE COURT: In corrections?  
 11 PROSPECTIVE JUROR TAYLOR: Yes, ma'am,,  
 12 THE COURT: And the same question for you that  
 13 I've asked of a few others. If a member of law enforcement  
 14 testifies, will you be able to keep an open mind as to that  
 15 witness's testimony or do you think you would have a  
 16 tendency to give them greater or lesser weight just because  
 17 they're a member of law enforcement?  
 18 PROSPECTIVE JUROR TAYLOR: I could keep a open  
 19 mind. I've been out of law enforcement for a while now, so I  
 20 could actually give an honest opinion.  
 21 THE COURT: Thank you,  
 22 The other gentleman,  
 23 PROSPECTIVE JUROR GRIFFIN: Badge Number  
 24 257, Wayne Griffin, Twenty-six years, Chicago Police

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1 THE COURT: Let me find you. Just a second.  
 2 PROSPECTIVE JUROR CHRISTINE MILLER: Okay,  
 3 THE COURT: Yes, ma'am,  
 4 PROSPECTIVE JUROR CHRISTINE MILLER: I don't  
 5 know if this classifies under this category, but my dad is  
 6 actually -- he just retired from the District Attorney's Office in  
 7 Nye County where he's been a prosecutor for over twenty  
 8 years.  
 9 THE COURT: Okay. Your dad -- your dad retired  
 10 from Nye County. Did he do all twenty of his years in Nye  
 11 County?  
 12 PROSPECTIVE JUROR CHRISTINE MILLER: Yes, he  
 13 did  
 14 THE COURT: Okay. The Court appreciates you  
 15 bringing that to the Court's attention.  
 16 And I have a couple hands up on this side,  
 17 In the -- well, in the blue shirt, with glasses. It's  
 18 both of you,  
 19 PROSPECTIVE JUROR GRIFFIN: Which one?  
 20 THE COURT: How about the one closest to the  
 21 aisle.  
 22 PROSPECTIVE JUROR TAYLOR: Me?  
 23 THE COURT: That would be you, sir. Yes.  
 24 PROSPECTIVE JUROR TAYLOR: Badge Number 261,

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1 Department, retired, eighteen years with the City of Las Vegas  
 2 Department Defense and Enforcement, retired in May. So  
 3 that's forty-four years, Your Honor,  
 4 THE COURT: The same question for you, If a  
 5 member of law enforcement testifies, will you be able to  
 6 assess their testimony like any other witness or do you think  
 7 you'd have a tendency to assess it differently because you  
 8 have been employed in law enforcement in the past?  
 9 PROSPECTIVE JUROR GRIFFIN: I believe I would  
 10 assess them differently and give them more credibility,  
 11 THE COURT: Thank you,  
 12 Anyone else responding to that last question?  
 13 No further response.  
 14 Do any of you have a spouse who's engaged in law  
 15 enforcement work?  
 16 I have one hand up.  
 17 PROSPECTIVE JUROR McKEEVER: Carol McKeever,  
 18 238. My husband is a retired federal law enforcement officer.  
 19 He was a park ranger.  
 20 THE COURT: How long was he employed as a park  
 21 ranger?  
 22 PROSPECTIVE JUROR McKEEVER: Thirty-eight  
 23 years.  
 24 THE COURT: Was he stationed out at Lake Mead?

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1 PROSPECTIVE JUROR Md<EEVER: Yes, Your Honor.  
 2 THE COURT: Is there anything about your  
 3 husband's past employment that you think might affect you  
 4 here if you were selected to serve?  
 5 PROSPECTIVE JUROR McKEEVER: No, Your Honor.  
 6 THE COURT: Thank you,  
 7 Anyone else?  
 8 The record shall reflect no further response.  
 9 Is there anyone who has a close relative that's ever  
 10 been engaged in law enforcement work?  
 11 Okay. In the front row, 216.  
 12 PROSPELİNE JUROR BLACK: Yeah, Wendell Black.  
 13 My youngest brother is a fourteen-year veteran of the King  
 14 County Sheriff's Department in the State of Washington. My  
 15 aunt also just recently retired from New York City Corrections  
 16 in New York City, And my oldest brother is a corrections  
 17 officer in Kannapolis, North Carolina.,  
 18 THE COURT: Thank you,  
 19 Yes, sir,  
 20 PROSPECTIVE JUROR SHARPE: 210, Robert Sharpe,  
 21 THE COURT: Yes, sir.  
 22 PROSPECTIVE JUROR SHARPE: I have a son-in-law.  
 23 He's in homicide. And I have a brother-in-law that's an  
 24 attorney,,

1 open-minded, fair and impartial if selected to serve here?  
 2 PROSPECTIVE JUROR SHARPE: Yes.  
 3 THE COURT: Thank you.  
 4 Anyone else in this section?  
 5 Out in the audience in this group. Yes,  
 6 PROSPECTIVE JUROR CANTOR: Hi, Karl Cantor,  
 7 231. My brother-in-law in Orange County is with the Sheriff's  
 8 Correctional. I have a sister-in-law that's retired, along with  
 9 her husband, my other brother-in-law, that were Orange  
 10 County Sheriff.  
 11 THE COURT: Is there anything about any of their  
 12 employment that you think might affect you here for any  
 13 reason?  
 14 PROSPECTIVE JUROR CANTOR: No.  
 15 THE COURT: Anyone in this section?  
 16 Yes, ma'am.  
 17 PROSPECTIVE JUROR EASTBURN: 277, Eva  
 18 Eastburn. My brother is a New York City Police officer,  
 19 THE COURT: Eva Eastburn?  
 20 PROSPECTIVE JUROR EASTBURN: Yes.  
 21 THE COURT: How long has your mother had that  
 22 employment?  
 23 PROSPECTIVE JUROR EASTBURN: My brother.  
 24 THE COURT: Pardon?

1 THE COURT: Where does your son-in-law work?  
 2 PROSPECTIVE JUROR SHARPE: For Metro.  
 3 THE COURT: How long has he been with Metro?  
 4 PROSPECTIVE JUROR SHARPE: Well, I'd say close  
 5 to twenty years,  
 6 THE COURT: What is his name?  
 7 PROSPECTIVE JUROR SHARPE: Dan Long,  
 8 THE COURT: Okay, And your brother-in-law is in —  
 9 PROSPECTIVE JUROR SHARPE: Richard Wright,  
 10 THE COURT: In -- is Richard Wright who's licensed  
 11 and practices here in Las Vegas?  
 12 PROSPECTIVE JUROR SHARPE: Yes.  
 13 THE COURT: Okay. Well, you kind of get exposed  
 14 to both sides of the equation, don't you?  
 15 PROSPECTIVE JUROR SHARPE: I could.  
 16 THE COURT: Is there anything about the  
 17 employment of Dan Long that you think might affect you here  
 18 for any reason?  
 19 PROSPECTIVE JUROR SHARPE: Not really.  
 20 THE COURT: Is there anything about Richard  
 21 Wright's employment that you think might affect you here for  
 22 any reason?  
 23 PROSPELİNE JUROR SHARPE: No,  
 24 THE COURT: Do you think you'll be able to be

1 PROSPECTIVE JUROR EASTBURN: My brother,  
 2 THE COURT: Your brother, I thought you said your  
 3 mother. I'm sorry, Your brother. How long has he had that  
 4 employment?  
 5 PROSPECTIVE JUROR EASTBURN: Fifteen years,  
 6 THE COURT: Do you know what his assignment is?  
 7 PROSPECTIVE JUROR EASTBURN: No, He's been —  
 8 he's been take -- in different departments, from different  
 9 houses. I'm not sure where he is right now,  
 0 THE COURT: Okay, Is there anything about your  
 1 brother's employment that you think might affect you here for  
 12 any reason?  
 13 PROSPECTIVE JUROR EASTBURN: No,  
 14 THE COURT: Okay. Thank you.  
 15 Have any of you had any special education, training  
 16 or work experience in any law-related field, legal secretary,  
 17 paralegal, attorney, anything along those lines?  
 18 I have one hand up. Your badge number and  
 19 name?  
 20 PROSPECTIVE JUROR CHRISTINE MILLER: 244,  
 21 Christine Miller. I'm a paralegal,  
 22 THE COURT: 224?  
 23 PROSPECTIVE JUROR CHRISTINE MILLER: 244.  
 24 THE COURT: 244. Now I found you. Thank you,



1 PROSPECTIVE JUROR CHRISTINE MILLER: I'm a —  
2 THE COURT: You're a paralegal?  
3 PROSPECTIVE JUROR CHRISTINE MILLER: I'm a  
4 paralegal in a defense firm here in town,  
5 THE COURT: Okay. Who do you work for?  
6 PROSPECTIVE JUROR CHRISTINE MILLER: Atkin,  
7 Winner & Sherrod.  
8 THE COURT: When you say defense firm, you're  
9 referencing civil defense?  
10 PROSPECTIVE JUROR CHRISTINE MILLER: Yes,  
11 THE COURT: Do you handle any criminal cases?  
12 PROSPECTIVE JUROR CHRISTINE MILLER: Not  
13 presently, But quite a while ago, when Judge Bell was in  
14 private practice, I worked for him as well  
15 THE COURT: Okay.  
16 PROSPECTIVE JUROR CHRISTINE MILLER: And he  
17 did criminal defense then.  
18 THE COURT: How long have you been with Atkin,  
19 Winner & Sherrod?—  
20 PROSPECTIVE JUROR CHRISTINE MILLER: About a  
21 year and a half,  
22 THE COURT: Where were you prior?  
23 PROSPECTIVE JUROR CHRISTINE MILLER: Mayor &  
24 Horner, Sherman Mayor and Cheryl Homer,

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1 THE COURT: How long were you there?  
2 PROSPECTIVE JUROR CHRISTINE MILLER: Six  
3 years.  
4 THE COURT: And before that you were with Stu  
5 Bell?  
6 PROSPECTIVE JUROR CHRISTINE MILLER: Yes.  
7 THE COURT: Sherman Mayor and Cheryl Homer do  
8 exclusively civil, I believe. Is that correct?  
9 PROSPECTIVE JUROR CHRISTINE MILLER: Correct,  
10 THE COURT: Okay, Thank you, Ms. Miller,  
11 Anyone else?  
12 The record shall reflect no further response,  
13 UNIDENTIFIED SPEAKER: There's one right here,  
14 THE COURT: Did I miss somebody? I sure did.  
15 Okay, Sorry.  
16 PROSPECTIVE JUROR CHERRY: 223, Rowena  
17 Cherry,  
18 THE COURT: Yes, ma'am,  
19 PROSPECTIVE JUROR CHERRY: I have a bachelor  
20 degree in criminal justice.  
21 THE COURT: What year did you obtain that degree?  
22 PROSPECTIVE JUROR CHERRY: In '99,  
23 THE COURT: '99?  
24 PROSPECTIVE JUROR CHERRY: Yeah.

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1 THE COURT: And from what institution?  
2 PROSPECTIVE JUROR CHERRY: UNLV,  
3 THE COURT: Are you employed in the criminal  
4 justice system in any fashion at this time?  
5 PROSPECTIVE JUROR CHERRY: No.  
6 THE COURT: When was the last time that you had  
7 contact with that?  
8 PROSPECTIVE JUROR CHERRY: When I graduated,  
9 I've tried to get a job in law enforcement but ended up having  
10 things come up when they have the trials for tryouts, So I  
11 haven't been able to get a job in law enforcement,  
12 THE COURT: Okay. Thank you,  
13 Anyone else?  
14 No further response,  
15 Does anyone have any education, training or work  
16 experience in any medical-related field?  
17 We've got quite a few hands up out in the audience.  
18 In the front row,  
19 PROSPECTIVE JUROR CICILIANO: 220, Thomas  
20 Ciciliano, I work for the Clark County Fire Department as an  
21 EMT. I've been employed with them for twenty-five years so -  
22  
23 THE COURT: You have paramedic training?  
24 PROSPECTIVE JUROR CICILIANO: No, I do not,

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1 THE COURT: You have EMT training?  
2 PROSPECTIVE JUROR CICILIANO: Yes.  
3 THE COURT: Thank you.  
4 Anyone else in that row?  
5 PROSPECTIVE JUROR BAILES: Yeah, Pam Bailes,  
6 221, I just do medical billing for a home health care,  
7 THE COURT: How long have you done that?  
8 PROSPECTIVE JUROR BAILES: Eight years,  
9 THE COURT: Thank you.  
10 PROSPECTIVE JUROR BAILES: Thank you,  
11 THE COURT: In the row behind her.  
12 PROSPECTIVE JUROR RACEL: 229, Suzanne Race!  
13 I'm an office manager for Physical Medicine, a rehabilitation  
14 doctor, I do billing and coding and [unintelligible] and  
15 scheduling [unintelligible], stuff like that.  
16 THE COURT: How long have you worked with that  
17 doctor?  
18 PROSPECTIVE JUROR RACEL: Six years,  
19 THE COURT: Okay, Thank you.  
20 Anyone else in that row?  
21 PROSPECTIVE JUROR MOIR: Michelle Moir, 235.  
22 I'm a registered nurse,  
23 THE COURT: Who's your employer?  
24 PROSPECTIVE JUROR MOIR: Sunrise Hospital,

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2 THE COURT: Do you specialize in any particular  
 3 area?  
 4 PROSPECTIVE JUROR MOIR: Critical care and  
 5 recovery room,  
 6 THE COURT: How long have you been an R.N.?  
 7 PROSPECTIVE JUROR MOIR: Eight years.  
 8 THE COURT: Thank you,  
 9 Any -- yes.  
 10 PROSPECTIVE JUROR GRAHAM: Robert Graham,  
 11 236, I'm a respiratory therapist.  
 12 THE COURT: For how long?  
 13 PROSPECTIVE JUROR GRAHAM: Ten years,  
 14 THE COURT: Thank you,  
 15 Anyone else in that row?  
 16 In the row behind them?  
 17 PROSPECTIVE JUROR TORGERSON: Janel  
 18 Torgerson, 239, I'm a pharmacist.  
 19 THE COURT: In what year did you complete  
 20 pharmacy school?  
 21 PROSPECTIVE JUROR TORGERSON: '99 with a  
 22 pharmacist degree.  
 23 THE COURT: Thank you.  
 24 Anyone else in that section? No.  
 Moving over to this section, any hands up?

1 THE BAILIFF: You've got one hand, Your Honor,  
 2 THE COURT: I've got two,  
 3 Okay. In the stripes.  
 4 PROSPECTIVE JUROR MIGUEL: 278, Elisa Miguel.  
 5 I'm a registered nurse,  
 6 THE COURT: When did you become an R.N.?  
 7 PROSPECTIVE JUROR MIGUEL: 1982.  
 8 THE COURT: Who is your employer?  
 9 PROSPECTIVE JUROR MIGUEL: Mountain View  
 10 Hospital.  
 11 THE COURT: And do you work in any particular  
 12 area?  
 13 PROSPECTIVE JUROR MIGUEL: I work in a step-  
 14 down unit,  
 15 THE COURT: How long have you been at Mountain  
 16 View?  
 17 PROSPECTIVE JUROR MIGUEL: Ten years.  
 18 THE COURT: Have you been in the step-down unit  
 19 the whole time?  
 20 PROSPECTIVE JUROR MIGUEL: Yes, ma'am,  
 21 THE COURT: Okay. Thank you,  
 22 Anyone else in this section? I think there was  
 23 another hand up.  
 24 Yes,

1 PROSPECTIVE JUROR ROMNEY: 268, Lesa Romney,  
 2 THE COURT: Yes, ma'am.  
 3 PROSPECTIVE JUROR ROMNEY: I work for  
 4 prosthetics and orthotics. I fit mastectomy patients.  
 5 THE COURT: You fit what kind of patients?  
 6 PROSPECTIVE JUROR ROMNEY: Mastectomy.  
 7 THE COURT: Okay. How long have you been  
 8 employed in that field?  
 9 PROSPECTIVE JUROR ROMNEY: Eight years.  
 10 THE COURT: Thank you,  
 11 Anyone else?  
 12 The record shall reflect no further response.  
 13 Ladies and gentlemen, as the judge of the questions  
 14 of law in the case, it's my responsibility to be sure that I give  
 15 the instructions on the applicable law for this particular case.  
 16 It would be a violation of a juror's duty if he or she tried to  
 17 render a judgment based upon what he or she believed the  
 18 law to be if that differed from the instructions given by the  
 19 Court.  
 20 In this trial, the members of the jury will sit  
 21 collectively as the judges of the questions of fact, and I will be  
 22 the presiding judge on the issues of law. With that in mind, is  
 23 there anyone who feels that they could not act as fact-finder  
 24 and follow the Court's instructions on the applicable law in this

case?  
 2 The record shall reflect no response.  
 3 Under our system there are certain principles of law  
 4 that apply for every criminal trial, including this one. They are  
 5 that the charging document filed in the case is simply a  
 6 document that carries forth a mere accusation and that  
 7 document, itself, is not evidence of guilt.  
 8 Also, the defendant is presumed innocent and the  
 9 State has the burden of proof which is beyond a reasonable  
 10 doubt,  
 11 Is there anyone who does not understand or who  
 12 does not believe in these basic precepts of American justice?  
 13 The record shall reflect no response.  
 14 Did anybody know anything about this case prior to  
 15 the time that they came into the courtroom here today?  
 16 We've got a couple of hands up.  
 17 I'm gonna ask you to just give me your name and  
 18 your badge number and then I'll come back to you on this  
 19 question.  
 20 PROSPECTIVE JUROR LENHARDT: Curt Lenhardt,  
 21 218.  
 22 THE COURT: 218?  
 23 PROSPECTIVE JUROR LENHARDT: Yes, ma'am.  
 24 PROSPECTIVE JUROR CHERRY: Rowena Cherry,

1 223,  
 2 THE COURT: Was there anyone else? No, just  
 3 those two.  
 4 Okay. Can I ask that counsel approach and we'll go  
 5 off the record?  
 6 (Off-record bench conference at 15:08:05 until 15:13:21)  
 7 THE COURT: At this time there are five of you that  
 8 I'm gonna ask to remain behind for additional questioning.  
 9 Those are as follows:  
 10 218, Curt Lenhardt. 223, Rowena Cherry. 216,  
 11 Wendell Black. 219, Howard Baker, And 257, Wayne Griffin,  
 12 I'm gonna ask that Michelle Moir, 235, place a phone  
 13 call with regard to her employment on the break.  
 14 Those five jurors, other than her, that I just named,  
 15 I'm gonna ask to remain behind,  
 16 The rest of you are gonna have a recess at this time  
 17 'di 3:40. At 3:40, please be in the hallway. The bailiff will  
 18 meet you there to return you to your seats in the courtroom.  
 19 During this recess you're admonished not to talk or  
 20 converse amongst yourselves nor with anyone else on any  
 21 subject connected with this trial, and you are not to read,  
 22 watch or listen to any report of or commentary on the trial or  
 23 any person connected with the trial, by any medium of  
 24 information, including, without limitation, newspaper,

1 with the U.S. Secret Service, not the —  
 2 MR. KEPHART: Okay.  
 3 PROSPECTIVE JUROR BLACK: Not an officer,  
 4 actually.  
 5 MR. KEPHART: Okay. Are you called upon on  
 6 occasion maybe in state court, even federal court, to testify?  
 7 PROSPECTIVE JUROR BLACK: If possible, yes.  
 8 MR. KEPHART: You've done that before?  
 9 PROSPECTIVE JUROR BLACK: No, I have not.  
 10 MR. KEPHART: Okay, How about as a federal  
 11 inspector; did you ever testify in a court of law as pertaining to  
 12 your work at that time?  
 13 PROSPECTIVE JUROR BLACK: No, I did not.  
 14 MR. KEPHART: Okay You said that you have a  
 15 younger brother that's a police -- or is in law enforcement, an  
 16 aunt that just retired and an older brother in corrections, and  
 17 your aunt just retired from corrections, is that correct?  
 18 PROSPECTIVE JUROR BLACK: Yeah. She retired  
 19 about three years ago.  
 20 MR. KEPHART: Okay, One of the questions that the  
 21 Court asked is whether or not you would give a greater weight  
 22 to the testimony of an officer versus anyone else that was  
 23 testifying. Is that still your position now?  
 24 PROSPECTIVE JUROR BLACK: Yes,

1 television, radio and Internet, and you are not to form or  
 2 express any opinion on any subject connected with the trial  
 3 until the case is finally submitted to you.  
 4 With the five of you remaining, the rest of you may  
 5 exit at this time,  
 6 (Prospective jurors recessed at 15:15:02)  
 7 THE COURT: With the five of you who have  
 8 remained, the Court has some followup questions for you that  
 9 I wanted to do outside the presence of the other jurors in light  
 10 of some of the fespponses that you've given thus far.  
 11 I'm gonna take you in the order provided by the  
 12 Office of the Jury Commissioner, so Mr. Black will be first.  
 13 If the other four of you would just stay right outside  
 14 the doors in the hallway, the bailiff will be calling on you one-  
 15 by-one, You remain under the admonishment of the Court  
 16 while you wait outside.  
 17 Those four have now exited,  
 18 The State may proceed with questioning of Mr. Black  
 19 with regard to the weight on officer testimony,  
 20 MR, KEPHART: Thank you, Your Honor.  
 21 Mr, Black, you indicated that you are currently a law  
 22 enforcement officer with the U.S. Secret Service, Is that  
 23 correct?  
 24 PROSPECLIVE JUROR BLACK: I'm a crime analyst

1 MR. KEPHART: Based on what? Why would you do  
 2 that?  
 3 PROSPECTIVE JUROR BLACK: I've been around law  
 4 enforcement for a while, for a long time, my brother, both my  
 5 brothers actually, and my aunt. I tend to, I guess, see the  
 6 uniformed officer as someone who should be of, you know,  
 7 truth and trustworthiness.  
 8 MR, KEPHART: Okay, Like one of the questions  
 9 that I'd like to ask also is simply because they're a police  
 10 officer, simply because of that, you would give them greater  
 11 weight for testimony?  
 12 PROSPECTIVE JUROR BLACK: Yes.  
 13 MR. KEPHART: Okay. So if you were seated in Ms.  
 14 Lobato's position, you wouldn't think that you were a fair juror,  
 15 would you?  
 16 PROSPECTIVE JUROR BLACK: No.  
 17 MR. KEPHART: Okay, So you can't sit here —  
 18 THE COURT: The record shall reflect that he shook  
 19 his head to the negative.  
 20 PROSPECTIVE JUROR BLACK: No. I'm sorry, I  
 21 should have said no.  
 22 MR. KEPHART: Okay. So you can't sit here and be  
 23 a fair juror then based on what you have just indicated?  
 24 PROSPECTIVE JUROR BLACK: I would tend to give

1 more weight to testimony from law enforcement... I feel that  
 2 wouldn't be fair to the plaintiff if that was the case.  
 3 MR. KEPHART: Okay,  
 4 THE COURT: The State of Nevada is the plaintiff,  
 5 PROSPECTIVE JUROR BLACK: I'm sorry,  
 6 THE COURT: The prosecutors represent the  
 7 plaintiff's side,  
 8 PROSPECTIVE JUROR BLACK: Thank you, I'm  
 9 sorry. Okay,  
 10 MR, KEPHART: We have nothing further, Your  
 11 Honor. Well pass.  
 12 MR, SCHIECK: The Court's indulgence.  
 13 THE COURT: Yes.  
 14 (Pause in the proceedings)  
 15 MR, SCHIECK: Mr. Black, let me just ask you a  
 16 couple of questions,,  
 17 PROSPECTIVE JUROR BLACK: Sure,  
 18 MR, SCHIECK: And, certainly, in your training you  
 19 understand the needio have a jury of one's peers that can be  
 20 fair and impartial in a case?  
 21 PROSPECTIVE JUROR BLACK: Yes,,  
 22 MR. SCHIECK: And, certainly, we all recognize that  
 23 law enforcement officers have training to observe and  
 24 document things, correct?

1 Mr. Lenhardt, you indicated that you had some prior  
 2 knowledge of this case. Can you tell me what the extent of  
 3 that is?  
 4 PROSPECTIVE JUROR LENHARDT: Just newspaper  
 5 articles. I remember it clearly making a [unintelligible]. And  
 6 my wife is obsessed with serial killers, CSI, blah, blah, blah,  
 7 her and her mother. I made a Lorena Bobbitt joke, I  
 8 remember it clearly, and my wife took it from there.  
 9 THE COURT: So in your household, any articles that  
 10 have to do with murders and murder cases and police  
 11 investigations are —  
 12 PROSPECTIVE JUROR LENHARDT: I have books of  
 13 every serial killer, every book written about serial killers, and  
 14 whatever. We watch every CSI show that's on. And —  
 15 THE COURT: So it's primarily your wife's interest  
 16 but since you're married to her and living --  
 17 PROPELLIVE JUROR LEN HARDT: Exactly.  
 18 THE COURT: -- in the same house, with the same  
 19 T.,V,  
 20 PROSPECTIVE JUROR LENHARDT: Yeah,  
 21 THE COURT: That is kind of your situation. Do you  
 22 -- do you recall how many articles you've seen?  
 23 PROSPECTIVE JUROR LENHARDT: I remember the  
 24 one, the R.J., article, and then my wife was surfing for it daily

1 PROSPECTIVE JUROR BLACK: Yes,  
 2 MR. SCHIECK: Do you believe that it's possible that  
 3 police officers make mistakes?  
 4 PROSPECTIVE JUROR BLACK: Yes. Mm-hmm,  
 5 MR, SCHIECK: Okay. And that would be on mind  
 6 also when they testify?  
 7 PROSPECLIVE JUROR BLACK: It would be but  
 8 probably not to a greater extent, whereas I know the police  
 9 officer would do his best not to make a mistake to, you know,  
 10 cause somebodyY to go to prison or anything like that.  
 11 MR. SCHIECK: We have no further questions, Your  
 12 Honor,  
 13 We would -- if the State isn't, we would challenge  
 14 for cause.  
 15 THE COURT: The Court will thank and excuse Juror  
 16 Badge Number 216, Wendell Black.  
 17 Mr. Black, thank you for your honesty.. Please report  
 18 back to the Office of the Jury Commissioner.,  
 19 PROSPECTIVE JUROR BLACK: Thank you, ma'am,,  
 20 THE COURT: You're welcome.  
 21 If the bailiff would then ask Curtis Lenhardt, 218, to  
 22 enter the courtroom,  
 23 (Pause in the proceedings)  
 24 THE COURT: Mr. Lenhardt is Badge Number 218.

1 on the rest of them, whatever she could find. I don't recall  
 2 what happened.  
 3 THE COURT: When did you see an article in the  
 4 Ra?  
 5 PROSPECTIVE JUROR LENHARDT: I think it was  
 6 late last year,  
 7 THE COURT: As you heard me say earlier today, the  
 8 decision of the jury in this case should be based on all of the  
 9 evidence that's gonna be presented in this courtroom, in this  
 10 trial. Will you be able to set aside what you were exposed to  
 11 previously and focus on the evidence to reach your decision in  
 12 this case if you're selected to serve as a juror?  
 13 PROSPECTIVE JUROR LENHARDT: I don't think so,  
 14 THE COURT: You're kind of -- kind of massaging  
 15 that idea right now, trying to think if you --  
 16 PROSPELINE JUROR LENHARDT: I'm trying to be  
 17 honest, I don't think I can,  
 18 THE COURT: Do you think that you've already  
 19 formed an opinion?  
 20 PROSPELINE JUROR LENHARDT: Oh, yeah.  
 21 know I've formed an opinion already,  
 22 THE COURT: Do you think that in your -- in your  
 23 heart of hearts that that's a firm set opinion or do you think  
 24 that that's one that you could set aside?

1 PROSPECTIVE JUROR LENHARDT: Well, I know  
 2 what I know. I'm -- I have an opinion and I guess it would  
 3 have to -- the only way to find out would be to -- I've never  
 4 been through a trial before. I do have an opinion.  
 5 THE COURT: So let me see if I'm understanding  
 6 you. Are you saying that you have an opinion and that you  
 7 could listen to the evidence, and then based on that evidence  
 8 you might decide your opinion was right or you might decide  
 9 your opinion was wrong?  
 10 PROSPECTIVE JUROR LENHARDT: Well, no. I --  
 11 THE COURT: You're saying you think you're gonna  
 12 stick pretty much to your opinion?  
 13 PROSPECTIVE JUROR LENHARDT: I pretty much  
 14 am.,  
 15 THE COURT: Okay., Any questions by the State?  
 16 MR. KEPHART: No,  
 17 THE COURT: Any by the defense?  
 18 MR., SCHIECK: No, Your Honor, We would  
 19 challenge for cause--  
 20 MR. KEPHART: Yeah.  
 21 MS, DiGIACOMO: We would, too.  
 22 MR, KEPHART: I think based on his statement that  
 23 he can't set aside what he knows about the case and he has  
 24 an opinion already, I think that that would be sufficient to

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1 area. The Henry area portion of this is the largest sector that  
 2 the school district police has. Currently, due to the manning  
 3 shortage we're suffering because Henderson and North Las  
 4 Vegas has taken some of our officers, collateral. We only have  
 5 -- I have half of the Henry area, which is -- it encompasses,  
 6 basically, it involves forty, I believe, about forty campuses.  
 7 THE COURT: Can you tell me what the major cross-  
 8 streets are that are the boundaries for the half of the Henry --  
 9 area that you --  
 10 PROSPECTIVE JUROR BAKER: Yes, ma'am.  
 11 THE COURT: are assigned to?  
 12 PROSPECTIVE JUROR BAKER: Yes, ma'am, Going  
 13 east would be Pecos, going west would be 1-15, north is  
 14 Charleston and south is Tropicana. But I also have the  
 15 responsibility --  
 16 THE COURT: That's a pretty big area.,  
 17 PROSPECTIVE JUROR BAKER: Yes, ma'am. And I  
 18 also have to cover the other area. If the other officer is on a  
 19 call, I have to take the call or it could -- I could, actually, I've  
 20 been called out of my area. So the areas that bound us also  
 21 require us to respond due to the --  
 22 THE COURT: So you have a central dispatch?  
 23 PROSPECTIVE JUROR BAKER: Yes, ma'am.  
 24 THE COURT: Okay.

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1 challenge him for cause, Your Honor,  
 2 THE COURT: Mr, Lenhardt, the Court will thank and  
 3 excuse you for cause., Please report back to the Office of the  
 4 Jury Commissioner.,  
 5 PROSPECTIVE JUROR LENHARDT: Thank you.  
 6 THE COURT: You're welcome.  
 7 If the bailiff would ask Howard Baker, 219, to come  
 8 into the courtroom,  
 9 The power of the media,  
 10 Okay.<sup>4</sup> Mr, Baker, I wanted to allow the Court and  
 11 counsel to have some followup questions for you with regard  
 12 to the weight that you might assess to a law enforcement  
 13 official's testimony,  
 14 PROSPECTIVE JUROR BAKER: Yes, Your Honor.  
 15 THE COURT: Now with your job with the Clark  
 16 County School District, do you have interaction with the Las  
 17 Vegas Metropolitan Police Department?  
 18 PROSPECLIVE JUROR BAKER: On a constant basis,  
 19 Your Honor.  
 20 THE COURT: Okay. The area that you are assigned  
 21 to patrol is kind of geographically where?  
 22 PROSPECTIVE JUROR BAKER: Well, can I give you  
 23 a -- there's five areas the school district is broken into. I work  
 24 east central. It's broken into two areas, Henry and George

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1 PROSPECiVE JUROR BAKER: Yes, ma'am.  
 2 THE COURT: Any questions by the State?  
 3 MR. KEPHART: I do, Your Honor.  
 4 Mr. Baker or Officer Baker,  
 5 PROSPECTIVE JUROR BAKER: Yes, sir.  
 6 MR, KEPHART: Everybody's really busy in the State  
 7 of Nevada and in Clark County.  
 8 PROSPECTIVE JUROR BAKER: Sure.  
 9 MR., KEPHART: And you hear every day how  
 10 overwhelmed we are, how overwhelmed the police are.  
 11 PROSPECTIVE JUROR BAKER: Sure,  
 12 MR, KEPHART: I want to go beyond that and I want  
 13 to talk to you about what you indicated before with regards to  
 14 whether or not you'd give more weight to a police officer in his  
 15 testimony.  
 16 PROSPECTIVE JUROR BAKER: Yes, sir.  
 17 MR, KEPHART: The question I have is would you  
 18 give it to a police officer simply because he's a police officer or  
 19 do you base it on your experience and actually hear what they  
 20 have to testify to?  
 21 PROSPECTIVE JUROR BAKER: I don't know how to -  
 22 - I don't know how to answer that because, as a fellow officer,  
 23 I know the guy's trained, I know he's probably gonna be very,  
 24 in my mind, he would be extremely accurate in his testimony

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1 and maybe —  
 2 MR. KEPHART: Okay.  
 3 PROSPECTIVE JUROR BAKER: — very  
 4 knowledgeable in his particular area.  
 5 MR. KEPHART: That's what I'm getting at Simply  
 6 because he puts a uniform on, my question is is simply  
 7 because he does that, do you find his testimony to be more  
 8 credible than anyone else if you don't consider his training and  
 9 don't consider, you know, how long the officer's been on the  
 10 police force, so forth and so on? Do you get — do you see  
 11 what I'm getting at? I want to know if you're just simply  
 12 believing because he's a police officer that he's -- he can't lie  
 13 or won't lie or —  
 14 PROSPECTIVE JUROR BAKER: Well —  
 15 MR. KEPHART: -- can't be mistaken.  
 16 PROSPECTIVE JUROR BAKER: Well, he's a human  
 17 being. Of course, he's —  
 18 MR. KEPHART: Okay,  
 19 PROSPECTIVE JUROR BAKER: He's no different than  
 20 anyone else in this room right now as far as that goes. Yes,  
 21 there's persons capable of lying or telling the truth, But,  
 22 generally speaking, I trust a police officer. When a police  
 23 officer says something, I trust that to be true.  
 24 MR. KEPHART: Okay. So —

1 what he's saying. He's saying he'd give more weight to the  
 2 testimony of a police officer.  
 3 THE COURT: You may conduct questioning after the  
 4 State has concluded. Overruled.  
 5 MR. SCHIECK: Thank you, Your Honor.  
 6 MR. KEPHART: Is that what you're saying?  
 7 PROSPECTIVE JUROR BAKER: I would listen to  
 8 everything that was said, obviously.  
 9 MR. KEPHART: Okay.  
 10 PROSPECTIVE JUROR BAKER: But --  
 11 MR. KEPHART: Let me ask it this way. Do you  
 12 believe, knowing what you know as a police officer, that police  
 13 officers should receive some degree of greater weight in  
 14 testifying than a normal person on the street?  
 15 PROSPECTIVE JUROR BAKER: Yes, I do.  
 16 MR. KEPHART: And, basically, police officers are  
 17 testifying to what they observed, what they have done in their  
 18 -- in their course of their business, so forth and so on, is that  
 19 right?  
 20 PROSPECTIVE JUROR BAKER: Yes, sir.  
 21 MR. KEPHART: Okay. Now if you found out that a  
 22 police officer was just testifying about his own personal things,  
 23 would you accept him at a greater degree of weight than you  
 24 would if you saw — you understand what I'm saying there?

1 PROSPECTIVE JUROR BAKER: If it's not, well, that's  
 2 the --  
 3 MR. KEPHART: Okay.  
 4 PROSPECTIVE JUROR BAKER: — fault of that  
 5 particular person. But in general, I've found that police  
 6 officers are extremely accurate and truthful.  
 7 MR. KEPHART: Okay. Then my next question would  
 8 be is do you think you could be fair, with that understanding,  
 9 do you think you could be fair in this trial? Could you -- could  
 10 you be a fair and impartial juror?  
 11 PROSPECTIVE JUROR BAKER: I think I could be fair  
 12 but I don't think I could be impartial.  
 13 MR. KEPHART: Impartial being —  
 14 PROSPECTIVE JUROR BAKER: I consider myself an  
 15 honest person so I feel I could be fair, but I don't know if I  
 16 could be impartial if we're -- in reference to a police officer.  
 17 MR. KEPHART: Okay. I understand what you're  
 18 saying. So you wouldn't wait to hear what he had to say, you  
 19 wouldn't wait for the defense to cross-examine him or  
 20 anything; you'd automatically just accept that he's telling you  
 21 the truth 'cause he's a police officer or something. That's what  
 22 you're saying, sir.  
 23 PROSPECTIVE JUROR BAKER: Well —  
 24 MR. SCHIECK: Objection, Your Honor, that's not

1 PROSPECTIVE JUROR BAKER: I'm not sure where  
 2 you're going there, to be honest. Are you talking about —  
 3 MR. KEPHART: Well, the police officer is gonna —  
 4 PROSPECTIVE JUROR BAKER: See, he's on trial,  
 5 Are you saying that the —  
 6 MR. KEPHART: No.  
 7 PROSPECTIVE JUROR BAKER: Okay.  
 8 MR. KEPHART: The police officer is here, called by  
 9 the State or by the defense and they're here testifying as to  
 10 something that they did in the course of their employment as a  
 11 police officer,  
 12 PROSPECTIVE JUROR BAKER: Okay. I get you.  
 13 MR. KEPHART: Okay. What if they're -- if you've  
 14 heard the fact that a person was a police officer and he's  
 15 testifying as to something that's happened in his personal life  
 16 and it just comes out that, hey, yeah, you're a police officer.  
 17 Do you automatically give them greater weight because they're  
 18 a police officer or do you wait and listen to what they have to  
 19 testify to in reference to their employment?  
 20 PROSPECTIVE JUROR BAKER: Oh, in that particular  
 21 case I believe I would listen to what they testified to.  
 22 MR. KEPHART: Okay, So what you're saying is that  
 23 -- is that because certain individuals are trained or have certain  
 24 perceptions that they've learned through their job, that they

1 probably deserve a better degree of credibility or weight than  
 2 somebody that doesn't have that type of training or doesn't do  
 3 that every day as a -- in their jobs?  
 4 PROSPECTIVE JUROR BAKER: Yes,  
 5 MR. KEPHART: Is that what you're saying?  
 6 PROSPECTIVE JUROR BAKER: Yes,  
 7 MR. KEPHART: Okay. All right, Thank you, sir.  
 8 PROSPECTIVE JUROR BAKER: Yes.  
 9 MR. KEPHART: Pass for cause, Your Honor.  
 10 MR. SCHIECK: Challenge for cause, Your Honor.  
 11 MR. KEPHART: In what —  
 12 THE COURT: Do you have any —  
 13 MR. KEPHART: In what respect?  
 14 THE COURT: Do you have any questions?  
 15 MR. SCHIECK: Based on what he's already said,  
 16 Your Honor, if the Court is going to deny the challenge, I do  
 17 have questions to follow up on.  
 18 THE COURT: I'm gonna ask a question then, Mr.  
 19 Baker, if a member of law enforcement comes in, are you  
 20 going to listen to their background, training and experience to  
 21 help you in assessing their credibility? In other words, are you  
 22 gonna look at whether they just came out of the academy  
 23 versus somebody that's been on the force for twenty-five  
 24 years, that's risen up through the ranks?

1 THE COURT: And as human —  
 2 PROSPECTIVE JUROR BAKER: We're —  
 3 THE COURT: And as human beings, none of us is  
 4 perfect.  
 5 PROSPECTIVE JUROR BAKER: I totally agree with  
 6 that, I -- the only thing that I feel is that because I'm in this  
 7 particular profession, you know, I feel that a police officer's  
 8 testimony is, to me, stronger. It seems -- I don't know exactly -  
 9 how to explain that. It seems that -- I guess I trust them  
 10 more,, I don't -- I don't know how to put the put it into  
 11 words. I think that I trust a police officer more than I do an  
 12 everyday citizen because in my job, everyday citizens that I  
 13 deal with aren't always nice to me, you know. You know what  
 14 I mean? They lie to me,, They — you know, obviously, when  
 15 you're interrogating somebody or whatever, you know they're  
 16 lying. So most of the time when I deal with a fellow officer,  
 17 it's on a different level, It's — you know, when they tell me  
 18 that they're gonna be there for me or they're gonna -- or they  
 19 run this or they provide information to me on something, it's —  
 20 I always find it extremely reliable. It's not — you see what I'm  
 21 -- I don't know.  
 22 THE COURT: You said most of the time. Have you  
 23 had experiences where you've had personality rubs with other  
 24 officers that you worked with on the job?

1 PROSPECTIVE JUROR BAKER: Well —  
 2 THE COURT: Is that gonna -- are you gonna weigh  
 3 that differently?  
 4 PROSPECTIVE JUROR BAKER: Well, you know, Your  
 5 Honor, that would come into play. I'm also a field training  
 6 officer, Okay. So, yeah, obviously, because I'm in that  
 7 capacity, I'm gonna look at someone that just come out of the  
 8 academy as not being as well trained as somebody that's got  
 9 ten or fifteen years on the department and is experienced in  
 10 particular areas, It's obvious that if somebody were to testify  
 11 in court that's been on a department, right out of the  
 12 academy, they're not gonna -- their testimony is probably not  
 13 gonna be as good as somebody that's been on the department  
 14 for fifteen years that has experience in a courtroom,  
 15 THE COURT: So every person that comes in with a  
 16 badge is not gonna be given the same amount of weight by  
 17 you. It's gonna depend on their credentials and on their  
 18 background and what they have to say when they're on the  
 19 witness stand?  
 20 PROSPECTIVE JUROR BAKER: Yes. In that regard,  
 21 yes. Yes, Your Honor.  
 22 THE COURT: And, as you said, members of law  
 23 enforcement are human beings, too.  
 24 PROSPECTIVE JUROR BAKER: Yes, Your Honor.

1 PROSPECTIVE JUROR BAKER: Well, in the particular  
 2 -- in this particular profession, yeah, you do have that. But it's  
 3 almost like a brother. It's almost like a -- it's almost like you've  
 4 had a disagreement with a brother. You get over it real quick.  
 5 You're a little bit more thick-skinned with that person.  
 6 THE COURT: Mm-hmm, Have you had situations  
 7 where you thought some of your fellow officers maybe handled  
 8 a situation a little bit differently than you would have done?  
 9 PROSPECTIVE JUROR BAKER: Well, yes, ma'am,  
 10 Yes, Your Honor, that happens. Everybody has -- in our  
 11 profession people do handle situations differently.  
 12 THE COURT: Okay.  
 13 PROSPECTIVE JUROR BAKER: As long as it's within  
 14 the guidelines set, you know, as long as it's within the  
 15 guidelines of our training, yes.  
 16 THE COURT: If you get a couple of witnesses that  
 17 have testimony that conflicts, and both of them are officers,  
 18 what are you going to do to assess truthfulness?  
 19 PROSPECTIVE JUROR BAKER: Well, you'd have to  
 20 listen to the rest of the testimony and try to —  
 21 THE COURT: You look and see what other —  
 22 PROSPECTIVE JUROR BAKER: -- look at the overall  
 23 picture.  
 24 THE COURT: -- corroboration there might be?

1 Would you look to see what other kinds of evidence there  
 2 might be that would support one --  
 3 PROSPECTIVE JUROR BAKER: Sure.  
 4 THE COURT: -- version over the other?  
 5 PROSPECTIVE JUROR BAKER: Yes, Your Honor.  
 6 Yes.  
 7 THE COURT: So I guess -- I guess it boils down to  
 8 this . Are you gonna be able to wait for the individual to testify  
 9 before you reach an opinion about their truthfulness and the  
 10 weight that should be given to their testimony?  
 11 PROSPECTIVE JUROR BAKER: Yes, Your Honor. I  
 12 could do that. I would do that.  
 13 THE COURT: Okay.  
 14 PROSPECTIVE JUROR BAKER: The only thing that I  
 15 would be afraid of is that I would give more weight to an  
 16 officer's testimony than I would somebody else. That's the --  
 17 you know, I thought that was what the original question was,  
 18 Your Honor. You know, and I feel that I'm an honest person  
 19 and I believe I would listen to all the testimony, but if it came  
 20 right down to it, if it came down to just, for instance, if that  
 21 officer made the difference in my -- could possibly make the  
 22 difference in my mind how I would have viewed the situation.  
 23 THE COURT: But you'd wait to hear from them on  
 24 the stand --

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1 PROSPECTIVE JUROR BAKER: I would listen to  
 2 everything.  
 3 THE COURT: -- before you made your  
 4 determination?  
 5 PROSPECTIVE JUROR BAKER: I would listen to  
 6 everything, Your Honor, But I -- the only thing I'm afraid of is  
 7 that the right thing to say would be that you just treat  
 8 everyone the same, but I --  
 9 THE COURT: It's not a situation where there is a  
 10 wrong or a right in response to the question.  
 11 PROSPECTIVE JUROR BAKER: You --  
 12 THE COURT: It's -- it's just our need to make a  
 13 determination as to whether you're gonna be able to be open-  
 14 minded and neutral,  
 15 PROSPECTIVE JUROR BAKER: Your Honor, I think I  
 16 can be open-minded. I don't know how neutral I could be if it  
 17 came down between a police officer and a non-police officer's  
 18 testimony. If there was those two testimonies and, say, they  
 19 were both equal, I'm not sure that I could -- that I wouldn't  
 20 give more weight to the officer's testimony, if that would  
 21 explain,  
 22 THE COURT: Just because they're an officer?  
 23 PROSPECTIVE JUROR BAKER: Yes, Your Honor.  
 24 THE COURT: The Court is gonna thank and excuse

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1 you for cause. I very much appreciate --  
 2 PROSPECTIVE JUROR BAKER: Thank you.  
 3 THE COURT: your honesty.  
 4 PROSPECTIVE JUROR BAKER: Yes, And I would  
 5 actually like to been on the -- to actually have participated in  
 6 this, But, you know, I just --  
 7 THE COURT: Maybe for another jury another day,  
 8 PROSPECTIVE JUROR BAKER: Thank you, Your  
 9 Honor,  
 10 THE COURT: You're welcome.  
 11 223, Rowena Cherry.  
 12 (Pause in the proceedings)  
 13 THE COURT: The record shall reflect that Juror  
 14 'Badge Number 223, Rowena Cherry, has returned to the  
 15 courtroom,  
 16 Ms. Cherry, I wanted to ask you a couple of followup  
 17 questions outside the presence of the other jurors about what  
 18 your prior knowledge was. You indicated you had some prior  
 19 knowledge of this particular case before you got here today.  
 20 PROSPECTIVE JUROR CHERRY: The newspaper,  
 21 because I've been delivering it for probably the past decade,  
 22 and I get to see the news day in and day out and tend to read  
 23 a lot of the local news.  
 24 THE COURT: And what paper do you deliver for?

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1 PROSPECTIVE JUROR CHERRY: The Las Vegas  
 2 Review Journal, which also delivers The New York Times,  
 3 Investors Business Daily, Wall Street Journal, and a couple  
 4 other small publications like The New York Post and other not  
 5 so reputable newspapers.  
 6 THE COURT: Or lesser-known publications?  
 7 PROSPECTIVE JUROR CHERRY: More on the line of  
 8 tabloids,  
 9 THE COURT: Okay, But you, yourself, tend to read  
 10 the paper daily?  
 11 PROSPECTIVE JUROR CHERRY: Yes.  
 12 THE COURT: Okay. And you've been doing that for  
 13 over ten years?  
 14 PROSPECTIVE JUROR CHERRY: Yes,  
 15 THE COURT: Do you recall in particular any articles  
 16 about this case that you've read?  
 17 PROSPECTIVE JUROR CHERRY: Yes, I remember  
 18 the case because of the nature of the crime, because the  
 19 person wasn't just murdered, they had their penis cut off, and  
 20 that's kind of bizarre so it stuck with me.  
 21 THE COURT: If you're selected to serve as a juror in  
 22 this case, will you be able to take what you read in the  
 23 newspaper articles and set it aside as news coverage and base  
 24 a decision in this case on the evidence that will be presented

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1 during this trial in this courtroom only?  
 2 PROSPEC,I WE JUROR CHERRY: Honestly, I would  
 3 say I would try but I wouldn't be able to guarantee that it  
 4 wouldn't affect my judgment.  
 5 THE COURT: In what way do you think it might  
 6 affect your judgment?  
 7 PROSPECTIVE JUROR CHERRY: Because of it being  
 8 something that I read and I'm not so clear on what it was that  
 9 I read at this time, there's a possibility that it could affect me,  
 10 you know, subconsciously, me thinking one way or another.  
 11 I'm sorry. I have a bachelor in psychology and a bachelor in  
 12 criminal justice and tend to not think quite like the common  
 13 Joe on the street. So, honestly, I think I would not be able to  
 14 be impartial,  
 15 THE COURT: Questions by the State?  
 16 MR. KEPHART: No, Judge.  
 17 THE COURT: Questions by the defense?  
 18 MR. SCHIECK: Just a couple, Your Honor.  
 19 You indiEaTe that because you deliver the newspaper  
 20 you read the newspaper all the time.  
 21 PROSPECTIVE JUROR CHERRY: Mm-hmm.  
 22 MR. SCHIECK: And you've -- is that a yes?  
 23 PROSPECTIVE JUROR CHERRY: Yes.  
 24 MR,, SCHIECK: And you've read about this case over

1 PROSPECTIVE JUROR CHERRY: Thank you.  
 2 THE COURT: Thank you, Ms. Cherry.  
 3 Mr. Bailiff, would you tell the jurors it's gonna be  
 4 another ten minutes and ask Wayne Griffin, 257, to enter the  
 5 courtroom?  
 6 THE BAILIFF: Yes, I will,  
 7 (Pause in the proceedings)  
 8 THE COURT: Mr. Griffin, if you'd be seated in the  
 9 front row right there.  
 10 PROSPECTIVE JUROR GRIFFIN: Right here?  
 11 THE COURT: Yes, please.  
 12 Mr. Griffin is Badge Number 257,  
 13 I wanted to follow up some questions with you with  
 14 regard to testimony of officers in this case.  
 15 PROSPECTIVE JUROR GRIFFIN: Yes.  
 16 THE COURT: The State may proceed.,  
 17 MR, KEPHART: Mr, Griffin, you indicated that you  
 18 were with the Chicago Police Department for twenty-six years  
 19 and you retired with the City Detention here in Las Vegas as  
 20 well, eighteen years?  
 21 PROSPECTIVE JUROR GRIFFIN: Yes.  
 22 MR. KEPHART: Okay, One of -- the reason why  
 23 you're in here now is 'cause we asked whether or not you  
 24 could be — you'd give more weight to the testimony of a police

1 how many years, do you recall?  
 2 PROSPECTIVE JUROR CHERRY: I don't recall how  
 3 many years I've read the case, but I remember reading about  
 4 the case.  
 5 MR. SCHIECK: Certainly, the penis dismemberment  
 6 aspect of the case makes you recall this from other murder  
 7 cases?  
 8 PROPELINE JUROR CHERRY: Yes.  
 9 MR. SCHIECK: Is that fair? Have you discussed  
 10 anything that IA might have read or knew about this case  
 11 with any of the other jurors that —  
 12 PROSPEC:liVE JUROR CHERRY: No.  
 13 MR. SCHIECK: -- that are out there? But you don't  
 14 think — you think it's a distinct possibility you're gonna recall  
 15 something during the course of this that you might have read  
 16 in the newspaper that's gonna affect your ability to be fair?  
 17 PROSPECTIVE JUROR CHERRY: Yes, I think so.  
 18 MR. SCHIECK: We would challenge for cause, Your  
 19 Honor.  
 20 MR, KEPHART: No objection.  
 21 THE COURT: The Court is gonna thank and excuse  
 22 you for cause and ask you to report back to the Office of the  
 23 Jury Commissioner. And please do not confer with any of the  
 24 other members of the jury,

1 officer than any other individual. And I want to ask you why  
 2 you would do that or is that still your opinion?  
 3 PROSPECTIVE JUROR GRIFFIN: Well, it's still my  
 4 opinion.  
 5 MR, KEPHART: Why would you do that?  
 6 PROSPECTIVE JUROR GRIFFIN: Oh, well, probably  
 7 because of my association and the forty-four years that I've  
 8 been involved with those people as —  
 9 MR. KEPHART: Okay.  
 10 PROSPECTIVE JUROR GRIFFIN: You know, as a  
 11 police officer, you tend to associate with police officers.  
 12 MR. KEPHART: Okay.  
 13 PROSPECTIVE JUROR GRIFFIN: It becomes your —  
 14 it becomes your family.  
 15 MR. KEPHART: Mm-hmm.  
 16 PROSPECTIVE JUROR GRIFFIN: So —  
 17 MR, KEPHART: If you were weighing the testimony  
 18 of a police officer versus someone that's not a police officer,  
 19 and it was the same area that you were weighing the  
 20 testimony, and it's your testimony, I mean, it's your statement  
 21 now that you would give more weight to the police officer or  
 22 would you wait to see what all the testimony was, to see  
 23 whether or not it was corroborated or not corroborated or  
 24 other evidence supported the officer or didn't support the

1 officer? Would you do that?  
 2 PROSPECTIVE JUROR GRIFFIN: Well, certainly, I  
 3 would look at all of the -- all of the evidence. But as far as  
 4 direct testimony, I'm not sure it's testifying, I believe I did  
 5 answer that I would give more credibility or I would tend to  
 6 give more weight to his testimony.  
 7 MR. KEPHART: Okay. And that's based on your  
 8 experience with officers and your being an officer yourself?  
 9 PROSPECTIVE JUROR GRIFFIN: That's correct.  
 10 MR. KEPHART: Okay. Do you believe that there's  
 11 times that an officer's testimony because of their background,  
 12 what they do, possibly deserves more weight versus a  
 13 layperson that isn't trained in observation or the law, or  
 14 whatever?  
 15 PROSPECTIVE JUROR GRIFFIN: Oh, I think it's  
 16 because of their experience and their training that they tend to  
 17 have more -- they're more knowledgeable about what they're  
 18 testifying and they should know the facts of the case.  
 19 MR. KEPHART: Okay.  
 20 PROSPECTIVE JUROR GRIFFIN: But --  
 21 MR. KEPHART: If you were chosen as a juror here,  
 22 would you be able to sit and wait until all the evidence was  
 23 presented to you before you made a decision whether or not  
 24 an officer was correct or incorrect with his testimony versus

1 believe because of their training that they should be  
 2 knowledgeable about it.  
 3 MR. KEPHART: Okay. In that respect, would you  
 4 give more weight to a person who qualifies as an expert  
 5 versus somebody that's not an expert?  
 6 PROSPECTIVE JUROR GRIFFIN: That's so  
 7 subjective. I don't know if you could answer that,  
 8 MR. KEPHART: Okay. I'll pass for cause, Your  
 9 Honor.  
 10 MS. GREENBERGER: Good afternoon.  
 11 THE COURT: Defense may question.  
 12 PROSPECTIVE JUROR GRIFFIN: Good afternoon.  
 13 MS. GREENBERGER: Thank you, Judge. Excuse me  
 14 for having my back to the Court.  
 15 Do you think that one of the reasons why you would  
 16 be or have trouble being fair and impartial is the length of time  
 17 that you've devoted to your career to a history of law  
 18 enforcement?  
 19 PROSPECTIVE JUROR GRIFFIN: I'm not sure I  
 20 understand.  
 21 MS. GREENBERGER: Is it the length of time that  
 22 you've been in law enforcement that you believe would affect  
 23 you from keeping an open mind if there's an officer on the  
 24 stand in terms of his credibility?

1 other individuals that aren't officers?  
 2 PROSPECTIVE JUROR GRIFFIN: Well, I'd like to  
 3 think I would and I can't honestly say that I'd like to think I  
 4 would  
 5 MR. KEPHART: Okay. Can you be fair and impartial  
 6 as a juror here?  
 7 PROSPECTIVE JUROR GRIFFIN: Well, sure, I think I  
 8 could.  
 9 MR. KEPHART: Okay, But you're also saying that  
 10 you, based on a police officer's testimony, that I mean, can --  
 11 do you believe a police officer can make a mistake?  
 12 PROSPECTIVE JUROR GRIFFIN: Sure.  
 13 MR. KEPHART: Do you believe that --  
 14 PROSPECTIVE JUROR GRIFFIN: Absolutely.  
 15 Absolutely.  
 16 MR. KEPHART: Do you believe maybe even police  
 17 officers have lied before?  
 18 PROSPECTIVE JUROR GRIFFIN: Oh, I'm sure they  
 19 have,  
 20 MR. KEPHART: Okay. Do you believe that there's a  
 21 difference in a police officer testifying to what he does for a  
 22 living versus somebody that's just a witness in the case and is  
 23 testifying as to some knowledge that they have of the case?  
 24 PROSPECTIVE JUROR GRIFFIN: Well, there again, I

1 PROSPECTIVE JUROR GRIFFIN: I'd like to think that  
 2 I'd take an oath of blindly fairness, who was on the stand and  
 3 who was testifying. But to just answer your question, would I  
 4 tend to give more weight to a police officer who has a certain  
 5 amount of experience and training, would I give more weight  
 6 to their testimony than I would to someone, a layperson, who  
 7 doesn't have that experience and training, I would give more  
 8 credibility and more weight to the officer.  
 9 MS. GREENBERGER: If you were sitting in my  
 10 client's chair, do you, with your present mental state and your  
 11 honest opinion, do you think that you should get -- you would  
 12 want someone like yourself on the jury if you were sitting in  
 13 my client's chair?  
 14 PROSPECTIVE JUROR GRIFFIN: Oh, I don't know. I  
 15 can't answer that question. I can't -- I can't put myself in your  
 16 client's.  
 17 MS. GREENBERGER: Do you think that based on  
 18 your law enforcement background that there's a significant  
 19 likelihood that your experience would enter into your decision-  
 20 making process and affect your impartiality?  
 21 PROSPECTIVE JUROR GRIFFIN: Frankly, I'm not  
 22 sure how to answer that. And I've been involved in a number  
 23 of cases over the years with homicides and sexual assaults and  
 24 rapes, and all of those things. So I guess some of these

1 questions I couldn't answer by personally [sic].  
 2 MS. GREENBERGER: But it sounds like what you're  
 3 saying, is it fair to say, that if you're judging between the  
 4 credibility of a law enforcement officer on the stand and a lay  
 5 witness the scales will not be balanced?  
 6 PROSPECTIVE JUROR GRIFFIN: That's fair to say.  
 7 Yes,  
 8 MS, GREENBERGER: Nothing further.  
 9 THE COURT: Anything further by the State?  
 10 MR. KEPHART: No, Your Honor.  
 11 THE COURT: Counsel, approach.  
 12 (Off-record bench conference at 15:54:43 until 15:57:56)  
 13 THE COURT: Mr. Griffin, the Court at this time is  
 14 gonna thank and excuse you for cause. Please report back to  
 15 the Office of the Jury Commissioner.  
 16 Would the bailiff see if Juror Badge Number 235,  
 17 Michelle Moir, is in the -- in the hallway?  
 18 THE BAILIFF: Yes, I will.  
 19 THE COURT: Okay, Michelle Moir, Badge Number  
 20 235, has now entered the courtroom,  
 21 Were you able to contact your human resources  
 22 person at Sunrise?  
 23 PROSPEL.I NE JUROR MOIR: I was. And they said  
 24 that they would pay for it if --

2 back tomorrow and we're gonna have to get an additional  
 3 panel. We're down to twenty-three, and we need —  
 4 THE COURT: We're down to how many?  
 5 MS. DIGIACOMO: We need thirteen, plus eighteen,  
 6 and we're down to twenty-three.  
 7 MR. KEPHART: No, no, no, no, no. Excused twenty-  
 8 three.  
 9 DiGIACOMO: Oh, we've excused twenty-three. -  
 10 MR, KEPHART: Mm-hmm.  
 11 MS. DIGIACOMO: So minus fifty-five, we're down —  
 12 MR. SCHIECK: We're gonna need more,  
 13 MS. DIGIACOMO: Yeah, we're gonna need more,  
 14 THE COURT: Okay, We've got --  
 15 MR, KEPHART: We've got thirty-seven.  
 16 MS. DiGIACOMO: Fifty-five minus twenty-three.  
 17 MR. KEPHART: Thirty-seven.  
 18 THE COURT: I'm gonna go ahead and take us off  
 19 the record while we do this.  
 20 (Court recessed at 16:00:33 until 16:28:49)  
 21 (Prospective jurors are present)  
 22 THE BAILIFF: All rise, please. Department Ills  
 23 back in session. Please be seated.  
 24 THE COURT: The record shall reflect that we're  
 resuming trial in State versus Lobato under C177394, in the

2 THE COURT: Okay, So then —  
 3 PROSPECTIVE JUROR MOIR: As long as I have  
 4 proof that I was here,  
 5 THE COURT: Okay. So if we draft up a little letter  
 6 for you saying that you were — you were selected for the jury  
 7 in this case, that would suffice for you?  
 8 PROSPECTIVE JUROR MOIR: Yeah, and maybe just  
 9 give them like a time estimate. And then if it goes further, we  
 10 can get another letter.  
 11 THE ' ,OURT: Okay, Thanks. You remain under the  
 12 admonishment, and you may step back out to the hallway.  
 13 Thank you.  
 14 Unless anybody has an objection then, I'm gonna  
 15 ask the JEA to do her -- to do her a letter saying that she was  
 16 here today and that if this case -- if she gets selected that  
 17 she'll be here through the 29<sup>th</sup> or may be here up through the  
 18 29<sup>th</sup> , Okay.  
 19 MR. SCHIECK: The letter should probably  
 20 encompass tomorrow, too. I would imagine she's gonna be —  
 21 MS, GREENBERGER: Brought back.  
 22 MR. SCHIECK: She's far enough down the panel  
 23 she'll be back tomorrow.  
 24 MS. DiGIACOMO: Well, actually, the entire — we  
 don't have enough, so the entire panel is gonna have to come

1 presence of the defendant, her three counsel, the two  
 2 prosecuting attorneys and the ladies and gentlemen of the  
 3 potential jury panel.  
 4 Ladies and gentlemen, we're going to be proceeding  
 5 forward with additional voir dire questions at this time. At this  
 6 point the Court is gonna divide you into the two groups.  
 7 Actually, I think I'm not gonna be able to do that 'cause I think  
 8 we have less than the number that we need for the first group,  
 9 which is thirty-three.  
 10 How many do we have? Thirty —  
 11 THE CLERK: Thirty-two,  
 12 THE COURT: Thirty-two, Okay.  
 13 Then all of you will be in the first group.  
 14 Do any of you know any reason why you couldn't be  
 15 a completely fair and impartial juror if selected to serve in this  
 16 case?  
 17 The record shall reflect no response.  
 18 Is there any one of you who cannot wait in forming  
 19 your opinion as to the guilt or innocence of the defendant until  
 20 after all of the evidence has been heard?  
 21 The record shall reflect no response.  
 22 Have any of you ever been arrested for a crime?  
 23 I have a couple of hands up. In the back row.  
 24 Your badge number and your name, please?

1 PROSPEU NE JUROR WILLSON: 205, Gregory  
 2 Wilson.  
 3 THE COURT: What were you arrested for?  
 4 PROSPECTIVE JUROR WILLSON: Selling marijuana.  
 5 THE COURT: In what year?  
 6 PROSPECTIVE JUROR WILLSON: Oh, geez. Early  
 7 seventies,  
 8 THE COURT: In what state?  
 9 PROSPECTIVE JUROR WILLSON: California,  
 10 THE COURT: Has that case now been concluded  
 11 and closed?  
 12 PROSPECTIVE JUROR WILLSON: Yes,  
 13 THE COURT: I had earlier asked a question about  
 14 anybody being convicted of a felony, and you didn't respond to  
 15 that, So I'm assuming that it did not result in a felony  
 16 conviction,  
 17 PROSPECTIVE JUROR WILLSON: No, ma'am.  
 18 THE COURT: Can you tell me what the outcome  
 19 was?  
 20 PROSPECTIVE JUROR WILLSON: It was dismissed,  
 21 THE COURT: Okay. Is there anything about that  
 22 case that might affect you here for any reason?  
 23 PROSPECTIVE JUROR WILLSON: No, ma'am.  
 24 THE COURT: Okay, I believe -- oops. I've got a

1 THE COURT: Okay. About what year was it?  
 2 PROSPECTIVE JUROR SHARPE: Oh, back in the  
 3 seventies, about '78, somewhere around there,  
 4 THE COURT: Was it here in Las Vegas?  
 5 PROSPECTIVE JUROR SHARPE: Yes.  
 6 THE COURT: Is there anything about that case that  
 7 might affect you here for any reason?  
 8 PROSPECTIVE JUROR SHARPE: No,  
 9 THE COURT: Okay,  
 10 PROSPECTIVE JUROR SHARPE: Just don't drink and  
 11 fight.  
 12 [Laughter]  
 13 PROSPECTIVE JUROR SHARPE: That's not  
 14 important?  
 15 THE COURT: In the back row in the red shirt.  
 16 PROSPECTIVE JUROR TONG: 197, Edric Tong, I  
 17 was arrested in California for a DUI,  
 18 THE COURT: In what year?  
 19 PROSPECTIVE JUROR TONG: Late eighties. The  
 20 eighties, like '87, something like that.  
 21 THE COURT: Is there anything about that case that  
 22 might affect you here?  
 23 PROSPECTIVE JUROR TONG: Probably not.  
 24 THE COURT: Okay.

1 couple of late bloomers, looks like.  
 2 In the back row,  
 3 PROSPECTIVE JUROR FROSCHEUSER: Traffic.  
 4 THE COURT: I need you to identify yourself.  
 5 PROSPECTIVE JUROR FROSCHEUSER: Oh, 212,  
 6 Randy Froschheuser. Being arrested for a traffic violation.  
 7 THE COURT: Okay. What traffic violation?  
 8 PROSPECTIVE JUROR FROSCHEUSER: It was -- I  
 9 was arrested but not convicted of anything. It was a -- I was  
 10 arrested for a speeding ticket that they thought wasn't paid,  
 11 that turned out that it was, but I did spend the weekend in jail  
 12 for it,  
 13 THE COURT: In what community did this happen?  
 14 PROSPEU LVE JUROR FROSCHEUSER: Mosinee,  
 15 Wisconsin, It was a long, long time ago.  
 16 THE COURT: Is there anything about that case that  
 17 might affect you here for any reason?  
 18 PROSPECTIVE JUROR FROSCHEUSER No,  
 19 THE COURT: Okay. Next to you,  
 20 PROSPECTIVE JUROR SHARPE: 210, Robert Sharpe,  
 21 Drinking and fighting.  
 22 THE COURT: Together at the same time or two  
 23 separate incidents?  
 24 PROSPECTIVE JUROR SHARPE: At the same time.

1 PROSPECTIVE JUROR TONG: 'Cause I was arrest  
 2 [sic].  
 3 THE COURT: Anybody else in his row?  
 4 Along the front? In the green shirt,  
 5 PROSPECTIVE JUROR C.ICILIANO: 220, Thomas  
 6 Ciciliano. Disorderly conduct, resisting arrest, drinking. In the  
 7 seventies. I'm not sure of the year.  
 8 THE COURT: Were you with Mr, Sharpe?  
 9 PROSPECTIVE JUROR CICILIANO: Not that I can  
 10 recall. It's possible,  
 11 THE COURT: Okay. Is there anything about your  
 12 case that might affect you here for any reason  
 13 PROSPECTIVE JUROR CICILIANO: No.  
 14 THE COURT: Okay. The other gentleman in the  
 15 green shirt in that row,,  
 16 PROSPECTIVE JUROR CANTOR: 231, Karl Cantor.  
 17 It was a DUI in California in the seventies. It got dropped  
 18 down to a illegal lane change,  
 19 THE COURT: Is there anything about that case that  
 20 might affect you here?  
 21 PROSPECTIVE JUROR CANTOR: No.  
 22 THE COURT: Okay. Going out into the audience, is  
 23 there anyone else?  
 24 In the front row in the gray.

1 PROSPECTIVE JUROR ISOM: 237, Greg Isom.  
 2 Possession of marijuana. I know the year. It was 1970. It  
 3 was dropped. And it would not affect me, I'm sure.  
 4 THE COURT: Where were you arrested?  
 5 PROSPECTIVE JUROR ISOM: Where? In Las Vegas.  
 6 Yesr  
 7 THE COURT: Do you recall what agency arrested  
 8 you?  
 9 PROSPECTIVE JUROR ISOM: Pardon me?  
 10 THE COURT: Do you recall what agency or  
 11 department the officer who arrested you was employed with?  
 12 PROSPECTIVE JUROR ISOM: It was the city.  
 13 THE COURT: The City of Las Vegas?  
 14 PROSPECTIVE JUROR ISOM: Yes.  
 15 THE COURT: Thank you.  
 16 There was another hand up. Yes.  
 17 PROSPECTIVE JUROR CHRISTINE MILLER: 244,  
 18 Christine Miller. In 1995, I was arrested for a DUI.  
 19 THE COURT: And where did that occur?  
 20 PROSPECTIVE JUROR CHRISTINE MILLER: Here in  
 21 Las Vegas,  
 22 THE COURT: Which department effected that  
 23 arrest?  
 24 PROSPECTIVE JUROR CHRISTINE MILLER: The

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1 county. Metro. I'm sorry.  
 2 THE COURT: Okay. Is there anything about that  
 3 case that might affect you here for any reason  
 4 PROSPECTIVE JUROR CHRISTINE MILLER: No.  
 5 THE COURT: Okay. Did I have any other hands up?  
 6 The record shall reflect no further response.  
 7 Have any of you ever had a close family member or  
 8 a close personal friend that's been arrested?  
 9 In the back row.  
 10 PROSPECTIVE JUROR AMMO: Frank Arieno, 196.  
 11 Cousin, uncle, I mean, I can go on and on, arrested in --  
 12 mostly in New York. Nothing in Las Vegas.  
 13 THE COURT: Anything about any of their cases --  
 14 PROSPECTIVE JUROR ARIENO: No.  
 15 THE COURT: -- or arrests that might affect you here  
 16 for any reason?  
 17 PROSPECTIVE JUROR ARIENO: No, ma'am.  
 18 THE COURT: Okay. Anyone else in his row?  
 19 Coming along the front? Yes, ma'am.  
 20 PROSPECTIVE JUROR DELGADO: My husband.  
 21 THE COURT: I need you to identify yourself.  
 22 PROSPECTIVE JUROR DELGADO: Oh. 213.  
 23 THE COURT: Courtney Delgado?  
 24 PROSPECTIVE JUROR DELGADO: Mm-hmm. My

1 husband. I don't know the year. It was before.  
 2 THE COURT: Before you met him?  
 3 PROSPECTIVE JUROR DELGADO: Yeah.  
 4 THE COURT: Do you know where he was arrested?  
 5 PROSPECTIVE JUROR DELGADO: In Texas.  
 6 THE COURT: And do you know what the charge  
 7 was?  
 8 PROSPECTIVE JUROR DELGADO: No, I'm not sure.  
 9 THE COURT: Do you know what it had to do with?  
 10 PROSPECTIVE JUROR DELGADO: I know he had a  
 11 warrant but I don't know what it was for,  
 12 THE COURT: Is there anything about his case that  
 13 might affect you here for any reason?  
 14 PROSPECTIVE JUROR DELGADO: No, ma'am,  
 15 THE COURT: Okay. Continuing down that row. In  
 16 the plaid.  
 17 PROSPECTIVE JUROR BAILES: My son was  
 18 arrested.  
 19 THE COURT: I need you to identify yourself, please.  
 20 PROSPECTIVE JUROR BAILES: It was in  
 21 Goodsprings.  
 22 THE COURT: Would you identify yourself, please?  
 23 PROSPECTIVE JUROR BARES: Pam Bailes.  
 24 THE COURT: Your badge number?

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1 PROSPECTIVE JUROR BAILES: Pardon me? My  
 2 badge number. I'm sorry. 12-0221.  
 3 THE COURT: Okay.  
 4 PROSPECTIVE JUROR BAKES: My name is Pam.  
 5 THE COURT: Your son was arrested where?  
 6 PROSPECTIVE JUROR BAILES: In Goodsprings.  
 7 THE COURT: About what year?  
 8 PROSPECTIVE JUROR BAILES: Well, three months  
 9 ago.  
 10 THE COURT: Do you know what the charge was?  
 11 PROSPECTIVE JUROR BAILES: Yes. It was theft.  
 12 He was stealing cooper wire off a jobsite,  
 13 THE COURT: Is there anything about that situation  
 14 that might affect you here for any reason?  
 15 PROSPECTIVE JUROR BAILES: No,  
 16 THE COURT: Okay. Thank you.  
 17 Anyone else in that row? In the white.  
 18 PROSPECTIVE JUROR MOIR: Does an ex-husband  
 19 count?  
 20 THE COURT: If you were married at the time.  
 21 PROSPECTIVE JUROR MOIR: No.  
 22 THE COURT: Okay. Would you state your name for  
 23 the record?  
 24 PROSPECTIVE JUROR MOIR: Michelle Moir, 235.

1-113

1 THE COURT: Thank you,  
 2 Anyone in the audience? In the front row in the  
 3 black,  
 4 PROSPECTIVE JUROR TORGERSON: Janel  
 5 Torgerson, 239. My brother had meth charges last year,  
 6 December, in Minnesota.  
 7 THE COURT: Anything about your brother's case  
 8 that might affect you here for any reason?  
 9 PROSPECTIVE JUROR MOIR: No,  
 10 THE COURT: Coming down her row.  
 11 PROSPECTIVE JUROR CHRISTINE MILLER: 244,  
 12 Christine Miller. My brother has been arrested in various states  
 13 over the years. I don't know years, date-wise, but they were  
 14 mainly for warrants for outstanding parking tickets and no  
 15 proof of registration. And my dad was arrested. The last time  
 16 was like twenty years ago in Northern Nevada for a DUI.  
 17 THE COURT: Is there anything about any of your  
 18 brother's cases or your dad's case that you think might affect  
 19 you here for any reason?  
 20 PROSPECTIVE JUROR CHRIS LINE MILLER: No.  
 21 THE COURT: Thank you.  
 22 Continuing down that row.  
 23 PROSPECTIVE JUROR ROBERT MILLER: Is there a  
 24 need -- a limit on how long ago this occurred?

1414

1 disorderly, Benicia, California.  
 2 THE COURT: Anything about his case that might  
 3 affect you here?  
 4 PROSPECTIVE JUROR DOBYNE: No, not at all,  
 5 THE COURT: Anyone in the next row?  
 6 Yes, sir.  
 7 PROSPECTIVE JUROR SNOWDEN: Michael  
 8 Snowden, 259. My brother, DUI charges and drug  
 9 paraphernalia in Kentucky in '97,  
 10 THE COURT: Anything about his cases that might  
 11 affect you here?  
 12 PROSPECTIVE JUROR SNOWDEN: No.  
 13 THE COURT: Thank you,  
 14 Continuing down that row.  
 15 Yes, ma'am,  
 16 PROSPECTIVE JUROR ROMNEY: 266, Lesa Romney,  
 17 My son was arrested this last July in Texas in a small town for  
 18 public intoxication,  
 19 THE COURT: When you say this last July, you mean  
 20 July of '06?  
 21 PROSPECTIVE JUROR ROMNEY: Yes,  
 22 THE COURT: Is there anything about his case that  
 23 might affect you here for any reason?  
 24 PROSPECTIVE JUROR ROMNEY: No.

1-116

1 THE COURT: Nope.  
 2 PROSPECTIVE JUROR ROBERT MILLER: My father -  
 3 -  
 4 THE COURT: You're Mr. —  
 5 PROSPECTIVE JUROR ROBERT MILLER: Miller.  
 6 THE COURT: Mr. Miller,  
 7 PROSPECTIVE JUROR ROBERT MILLER: 247.  
 8 THE COURT: No relationship?  
 9 PROSPECTIVE JUROR ROBERT MILLER: No.  
 10 PROSPECTIVE JUROR CHRISTINE MILLER: No.  
 11 THE COURT: Okay.  
 12 PROSPECTIVE JUROR ROBERT MILLER: Just close  
 13 together here, My father used to get arrested for DUI and for  
 14 racing the cops in Provo and Orem, Utah, all through the  
 15 forties and early Mies. He had the fastest car in town.  
 16 THE COURT: Anything about your father's  
 17 relationship with law enforcement in Utah that might have any  
 18 effect with you here?  
 19 PROSPECTIVE JUROR ROBERT MILLER: No,  
 20 THE COURT: Oh, okay. Thank you.  
 21 Anyone else in that row?  
 22 Yes, sir,  
 23 PROSPECTIVE JUROR DOBYNE: Yeah. Doug  
 24 Dobyne, 252. My father back in the mid-eighties, drunk and

1-115

1 THE COURT: Okay. Anyone else that I have not  
 2 called on yet?  
 3 Yes, ma'am.  
 4 PROSPECTIVE JUROR GLYNN: My husband was  
 5 arrested.  
 6 THE COURT: I need you to identify yourself, please.  
 7 PROSPECTIVE JUROR GLYNN: 274, Lori Glynn, My  
 8 husband was arrested last year on a domestic violence charge.  
 9 And my cousin was arrested in '03 here in town.  
 10 THE COURT: What was your cousin arrested for?  
 11 PROSPECTIVE JUROR GLYNN: Sexual molestation of  
 12 a minor.  
 13 THE COURT: Was your husband arrested in Las  
 14 Vegas?  
 15 PROSPECTIVE JUROR GLYNN: Yes, he was,  
 16 THE COURT: Do you know which department  
 17 arrested your husband?  
 18 PROSPECTIVE JUROR GLYNN: I'm not sure.  
 19 THE COURT: Do you know which department  
 20 arrested your cousin?  
 21 PROSPECTIVE JUROR GLYNN: I'm not sure of that  
 22 either.  
 23 THE COURT: Is there anything about either of their  
 24 cases that might affect you here for any reason?

1417

1 PROSPECTIVE JUROR GLYNN: I don't think so,  
 2 THE COURT: No? The record shall reflect she's  
 3 shaking her head to the negative.  
 4 Okay. Anyone else?  
 5 The record shall reflect no further response.  
 6 Have any of you ever been the victim of a crime?  
 7 In the back row in the gray.  
 8 PROSPECTIVE JUROR ARIENO: 196, Frank Arieno.  
 9 Car stolen in New York.  
 10 THE COURT: Is there anything about that theft that  
 11 might affect you here?  
 12 PROSPECTIVE JUROR ARIENO: No.  
 13 THE COURT: Thank you.  
 14 Continuing down his row.  
 15 Yes, ma'am, No, no, behind you. I'm sorry.  
 16 PROSPECTIVE JUROR ANDERSON: 198. Tai  
 17 Anderson, Rape.  
 18 THE COURT: What year?  
 19 PROSPECTIVE JUROR ANDERSON: 2001.  
 20 THE COURT: Where?  
 21 PROSPECTIVE JUROR ANDERSON: In Kansas,  
 22 THE COURT: Is there anything about that situation  
 23 that might affect you here for any reason?  
 24 PROSPECTIVE JUROR ANDERSON: I don't think so.

1-118

robbery occurred?  
 2 PROSPECTIVE JUROR FROSCHEUSER: I was the  
 3 manager in charge. Yes,,  
 4 THE COURT: Did that happen here in Las Vegas?  
 5 PROSPECTIVE JUROR FROSCHEUSER: No.  
 6 Nashville, Tennessee.  
 7 THE COURT: When your vehicle was stolen, was  
 8 that in Tennessee also?  
 9 PROSPECTIVE JUROR FROSCHEUSER: No, That  
 10 was in upper Michigan.  
 11 THE COURT: And the property that was broken  
 12 into, was it a —  
 13 PROSPECTIVE JUROR FROSCHEUSER: Here in Las  
 14 Vegas,  
 15 THE COURT: — residence or a business?  
 16 PROSPECTIVE JUROR FROSCHEUSER: It was a  
 17 rental property of mine that was up for sale,  
 18 THE COURT: It was vacant at the time?  
 19 PROSPECTIVE JUROR FROSCHEUSER: Yes.  
 20 THE COURT: Is there anything about any of these  
 21 incidents that might affect you here for any reason?  
 22 PROSPECTIVE JUROR FROSCHEUSER: No, not at  
 23 all,  
 24 THE COURT: Thank you.

1-120

1 THE COURT: Okay, Thank you.  
 2 Continuing down that row.  
 3 PROSPECTIVE JUROR WILLSON: 205, Greg Willson.  
 4 Vehicles stolen, two of them, intrusion in my house, property  
 5 stolen from it.  
 6 THE COURT: Did all of these things happen in Las  
 7 Vegas?  
 8 PROSPECTIVE JUROR WILLSON: No. These all  
 9 happened in California.  
 10 THE COURT: Is there anything about any of those  
 11 incidents that might affect you here?  
 12 PROSPECTIVE JUROR WILLSON: No. No, ma'am,  
 13 THE COURT: Thank you,  
 14 Continuing down that row.  
 15 Yes, sir,  
 16 PROSPECTIVE JUROR FROSCHEUSER: 212,  
 17 Randall Froschheuser. My place of business had an armed  
 18 robbery. Also, I had a vehicle stolen and my property broken  
 19 into.  
 20 THE COURT: You said there was an armed robbery  
 21 at your place of employment,  
 22 PROSPECTIVE JUROR FROSCHEUSER: Right.  
 23 Right.  
 24 THE COURT: Were you present at the time that the

1-119

1 In the front row. In the green.  
 2 PROSPECTIVE JUROR CICILIANO: Thomas Ciciliano,  
 3 220,, I had a rental property broken into this year. It was  
 4 occupied, not at the time of the break-in but —  
 5 THE COURT: So there were tenants that were  
 6 residing in the property but they weren't home at the time of  
 7 the break-in?  
 8 PROSPECTIVE JUROR CICILIANO: Yes.  
 9 THE COURT: Okay. Is there anything about that  
 0 situation that might affect you here for any reason?  
 1 PROSPECTIVE JUROR CICILIANO: No.  
 12 THE COURT: Continuing down that row,  
 13 PROSPECTIVE JUROR BAILES: Pam Bailes, 221, I  
 14 had a car stolen down in San Diego, Then I had another car  
 15 stolen here in Vegas, and my house broken into.  
 16 THE COURT: Is there anything about any of these  
 17 incidents that might affect you here?  
 18 PROSPECTIVE JUROR BAILES: No.  
 19 THE COURT: Yes, sir.  
 20 PROSPECTIVE JUROR CANTOR: 221, Karl Cantor, I  
 21 had a car stolen in California, and I had credit card identity  
 22 theft about two months ago here in Vegas.  
 23 THE COURT: Anything about the California theft  
 24 that might affect you here?

1-121

1 PROSPECTIVE JUROR CANTOR: No.  
 2 THE COURT: With the recent I.D. theft, was that  
 3 reported to the authorities?  
 4 PROSPELWE JUROR CANTOR: No, Just to the  
 5 credit card company and they finally took care of it.  
 6 THE COURT: They took care of it?  
 7 PROSPELWE JUROR CANTOR: Yes.  
 8 THE COURT: Is there anything about that situation  
 9 that might affect you here?  
 10 PROSPELWE JUROR CANTOR: No,  
 11 THE COURT: Yes, ma'am.  
 12 PROSPECTIVE JUROR MOIR: A burglary in my  
 13 home,  
 14 THE COURT: Identify yourself, please.  
 15 PROSPECTIVE JUROR MOIR: I'm sorry, Michelle  
 16 Moir, 235. Burglary to my home here in Vegas, auto theft in  
 17 '93 and 2004, and domestic violence and I.D. theft,  
 18 THE COURT: Did all of these things happen in Las  
 19 Vegas?  
 20 PROSPECTIVE JUROR MOIR: Yes.  
 21 THE COURT: Is there anything about any of them  
 22 that might affect you here for any reason?  
 23 PROSPECTIVE JUROR MOIR: No,  
 24 THE COURT: Out into the audience.

1 THE COURT: What year was the armed robbery?  
 2 PROSPECTIVE JUROR TORGERSON: 2001.,  
 3 THE COURT: And that was a pharmacy here in Las  
 4 Vegas?  
 5 PROSPECTIVE JUROR TORGERSON: Yes, ma'am,  
 6 THE COURT: Anything about the robbery or the  
 7 theft that might affect you here for any reason?  
 8 PROSPECTIVE JUROR TORGERSON: No.  
 9 THE COURT: Thank you.  
 10 Continuing down her row.  
 11 PROSPECTIVE JUROR CHRISTINE MILLER: 244,  
 12 Christine Miller. In 1993, domestic violence,  
 13 THE COURT: Anything about that case that might  
 14 affect you here for any reason?  
 15 PROSPECTIVE JUROR CHRISTINE MILLER: No.  
 16 THE COURT: Thank you.  
 17 Yes, sir,  
 18 PROSPECTIVE JUROR DOBYNE: Doug Dobyne, 252,  
 19 In the mid-nineties I had a car stolen here in Las Vegas.  
 20 THE COURT: Anything about that case that might  
 21 affect you here?  
 22 PROSPECTIVE JUROR DOBYNE: No,  
 23 THE COURT: Thank you,  
 24 In the next row,

1 Yes, sir,  
 2 PROSPELWE JUROR GRAHAM: Robert Graham,  
 3 236. My wife's car was stolen, and we have a pending  
 4 litigation against the Nevada Highway Patrol for a car wreck.  
 5 THE COURT: That's a civil suit —  
 6 PROSPECTIVE JUROR GRAHAM: Yes.  
 7 THE COURT: -- for property damage?  
 8 PROSPECTIVE JUROR GRAHAM: Yes, ma'am.  
 9 THE COURT: Is there anything about that case that  
 10 might affect you here for any reason?  
 11 PROSPELWE JUROR GRAHAM: Absolutely not.  
 12 THE COURT: Thank you.  
 13 Continuing down that row.  
 14 Yes, ma'am.  
 15 PROSPECTIVE JUROR McKEEVER: 238, Carol  
 16 McKeever, Attempted rape in 1966 in Washington, D.C.  
 17 THE COURT: Is there anything about that case that  
 18 might affect you here for any reason?  
 19 PROSPECTIVE JUROR McKEEVER: Not at all.  
 20 THE COURT: Okay, Continuing down that row.  
 21 Yes, ma'am,  
 22 PROSPECTIVE JUROR TORGERSON: Janel  
 23 Torgerson, 239. Armed robbery of my pharmacy and a vehicle  
 24 theft in 2006,

1 PROSPECTIVE JUROR ROMNEY: 268, Lesa Romney\_  
 2 Two or three years ago my house was broken into,  
 3 THE COURT: Here in Las Vegas?  
 4 PROSPECTIVE JUROR ROMNEY: Yes,  
 5 THE COURT: Was it reported to the authorities?  
 6 PROSPECTIVE JUROR ROMNEY: Yes,  
 7 THE COURT: Did anybody come and take a report?  
 8 PROSPECTIVE JUROR ROMNEY: Yes.  
 9 THE COURT: Do you recall which agency that was?  
 10 PROSPECTIVE JUROR ROMNEY: The city.  
 11 THE COURT: City?  
 12 PROSPECTIVE JUROR ROMNEY: Of Las Vegas.  
 13 Okay, Metro, whoever.  
 14 THE COURT: Was anybody apprehended?  
 15 PROSPECTIVE JUROR ROMNEY: No,  
 16 THE COURT: Anything about that incident that  
 17 might affect you here for any reason?  
 18 PROSPELWE JUROR ROMNEY: No.  
 19 THE COURT: Continuing down that row.  
 20 Yes, ma'am. In the red.  
 21 PROSPECTIVE JUROR GLYNN: Rape and attempted  
 22 murder, 1981, San Bernardino County.  
 23 MS. DiGIACOMO: I'm sorry, Your Honor. We didn't  
 24 hear which badge number.



1 THE COURT: That would be Badge Number 274,  
 2 Lori Glynn, I believe.  
 3 Is that correct?  
 4 PROSPECTIVE JUROR GLYNN: Yes,  
 5 THE COURT: You indicated that this occurred in San  
 6 Bernardino. Was it reported?  
 7 PROSPECTIVE JUROR GLYNN: San Bernardino  
 8 County,  
 9 THE COURT: San Bernardino County, Was it  
 10 reported to the authorities there?  
 11 PROSPECTIVE JUROR GLYNN: Yes.  
 12 THE COURT: Did they do an investigation?  
 13 PROSPECTIVE JUROR GLYNN: Yes,  
 14 THE COURT: Was anybody apprehended?  
 15 PROSPECTIVE JUROR GLYNN: Yes, he was. He was  
 16 convicted,  
 17 THE COURT: Is there anything about that case that  
 18 might affect you here for any reason?  
 19 PROSPECTIVE JUROR GLYNN: No,  
 20 THE COURT: Thank you.  
 21 Anyone else in that row?  
 22 Anyone else wish to respond to this question that I  
 23 have not heard from?  
 24 The record shall reflect no further response.

1 found the man.  
 2 THE COURT: Where did this happen?  
 3 PROSPECTIVE JUROR WILLSON: Riverside,  
 4 California.  
 5 THE COURT: Is there anything about that robbery  
 6 that might affect you here for any reason?  
 7 PROSPECTIVE JUROR WILLSON: No,  
 8 THE COURT: Thank you..  
 9 Anyone else in that row?  
 10 In the front row? In the stripes,  
 11 PROSPECTIVE JUROR GIARDINA: Badge Number  
 12 215, Karen Giardina, Both my neighbors were robbed, a gun  
 13 was pulled on one of them at the same time.  
 14 THE COURT: When did this occur?  
 15 PROSPECTIVE JUROR GIARDINA: I think it was  
 16 2001.  
 17 THE COURT: And was it here in Las Vegas?  
 18 PROSPECTIVE JUROR GIARDINA: No. I'm sorry.  
 19 2002. Yes, it was,  
 20 THE COURT: Is there anything about that situation  
 21 that might affect you here for any reason?  
 22 PROSPECTIVE JUROR GIARDINA: No,  
 23 THE COURT: Okay. Continuing down that row.  
 24 Yes, ma'am.

1 Have any of you ever had a family member or a  
 2 close personal friend that's been the victim of a crime?  
 3 In the back row,  
 4 PROSPECTIVE JUROR SHARPE: 210, Robert Sharpe.  
 5 My cousin killed over a drug deal.  
 6 THE COURT: What year did this happen in  
 7 PROSPECTIVE JUROR SHARPE: I believe it was in  
 8  
 9 THE COURT: Did that happen in this community?  
 10 PROSPECTIVE JUROR SHARPE: Yes.  
 11 THE COURT: Was it investigated?  
 12 PROSPECTIVE JUROR SHARPE: Yes.  
 13 THE COURT: Was anyone arrested?  
 14 PROSPECTIVE JUROR SHARPE: Yes,  
 15 THE COURT: Did you go to the trial?  
 16 PROSPECTIVE JUROR SHARPE: No.  
 17 THE COURT: Is there anything about that case that  
 18 might affect you here for any reason?  
 19 PROSPECTIVE JUROR SHARPE: No,  
 20 THE COURT: Anyone else in his row?  
 21 In the center,  
 22 PROSPECTIVE JUROR WILLSON: 205, Greg Wilson.  
 23 My wife was jumped, robbed, walking out to her car after  
 24 work, stole her purse. Made a police report out but they never

1 PROSPECTIVE JUROR CICILIANO: Tom Ciciliano,  
 2 220. I had a grandfather who was murdered probably in the  
 3 early eighties here in Las Vegas, and I had an aunt who was  
 4 murdered in California in the late eighties.  
 5 THE COURT: Was your grandfather's murder  
 6 investigated?  
 7 PROSPECTIVE JUROR CICILTANO: Yes.  
 8 THE COURT: Do you know who did the  
 9 investigation?  
 10 PROSPECTIVE JUROR CICILIANO: It was here in  
 11 Vegas so it'd be the Metropolitan Police Department.  
 12 THE COURT: Was anyone apprehended?  
 13 PROSPECTIVE JUROR CICILIANO: Yes.  
 14 THE COURT: Was anybody apprehended with  
 15 regard to your aunt's murder?  
 16 PROSPECTIVE JUROR CICILIANO: No,  
 17 THE COURT: Is there anything about either of those  
 18 cases that might affect you here for any reason?  
 19 PROSPECTIVE JUROR CICILIANO: No,  
 20 THE COURT: Thank you,  
 21 Continuing down that row.  
 22 Yes, ma'am.  
 23 PROSPECTIVE JUROR MOIR: I just had a son that  
 24 had property taken at the same time that mine was taken.

1 THE COURT: I need you to identify yourself for the  
 2 record.  
 3 PROSPECTIVE JUROR MOIR: I'm sorry, Michelle  
 4 Moir, 235.  
 5 THE COURT: This is when you — when you talked  
 6 about your home burglary?  
 7 PROSPECTIVE JUROR MOIR: Home burglary, Mm-  
 8 hmm.  
 9 THE COURT: Okay.  
 10 PROSPECTIVE JUROR MOIR: And a car theft.  
 11 There were -- there was property of his taken also in the  
 12 home.  
 13 THE COURT: Okay, You indicated that that incident  
 14 would have no effect on you. Is that still —  
 15 PROSPECTIVE JUROR MOIR: Correct.  
 16 THE COURT: Is that still your position?  
 17 PROSPECTIVE JUROR MOIR: Yes.  
 18 THE COURT: Okay, Thank you.  
 19 Going odifo the audience.  
 20 Yes, sir.  
 21 PROSPECTIVE JUROR GRAHAM: Robert Graham,  
 22 236. My wife, back when she was younger, was molested.  
 23 And so was my sister-in-law, back in the early nineties.  
 24 THE COURT: Were those two molestations related

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1 PROSPECTIVE JUROR ROMNEY: Yes.  
 2 THE COURT: Okay, Anything about that case that  
 3 might affect you here?  
 4 PROSPECTIVE JUROR ROMNEY: No.  
 5 THE COURT: Thank you.  
 6 Anyone else?  
 7 The record shall reflect no further response.  
 8 I'm gonna ask that counsel please approach,  
 9 (Off-record bench conference at 17:00:09 until 17:00:56)  
 10 THE COURT: Ladies and gentlemen, the 5:00  
 11 o'clock hour is upon us so well be taking our evening recess  
 12 shortly.  
 13 Because we have an insufficient number to do the  
 14 completion of the jury selection for this case, we're going to  
 15 have to bring a second group in and start with them  
 16 tomorrow. So I'm going to have you folks come back at 3:00  
 17 p.m. tomorrow. At 3:00 p.m., please be out in the hallway.  
 18 The bailiff will meet you there to return you to your seats in  
 19 the courtroom.  
 20 During this recess you are admonished not to talk or  
 21 converse among yourselves nor with anyone else on any  
 22 subject connected with this trial, and you are not to read,  
 23 watch or listen to any report of or commentary on the trial or  
 24 any person connected with the trial, by any medium of

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1 in any way or were they completed separate incidents?  
 2 PROSPECTIVE JUROR GRAHAM: They were family  
 3 members but not at the same time.  
 4 THE COURT: Okay. So it was different individuals?  
 5 PROSPECTIVE JUROR GRAHAM: Yes,  
 6 THE COURT: Is there anything about those cases  
 7 that might affect you here for any reason?  
 8 PROSPECTIVE JUROR GRAHAM: Absolutely not,  
 9 THE COURT: Okay. Continuing down that row.  
 10 In th4 next row.  
 11 Okay. I have a hand up.  
 12 PROSPECTIVE JUROR ROMNEY: My husband's —  
 13 THE COURT: I need you to identify yourself,  
 14 PROSPECTIVE JUROR ROMNEY: It's 268, Lesa  
 15 Romney,  
 16 THE COURT: Yes, ma'am,  
 17 PROSPECTIVE JUROR ROMNEY: My husband's work  
 18 vehicle was stolen out of our front driveway.  
 19 THE COURT: Did that happen here in Las Vegas?  
 20 PROSPECTIVE JUROR ROMNEY: Yes, It was  
 21 Thanksgiving.  
 22 THE COURT: This past Thanksgiving, '05?  
 23 The record shall reflect she's nodding her head up  
 24 and down.

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1 information, including, without limitation, newspaper,  
 2 television, radio and Internet, and you are not to form or  
 3 express any opinion on any subject connected with the trial  
 4 until the case is finally submitted to you.  
 5 You have a good evening and we'll see you at 3:00  
 6 p.m. tomorrow.  
 7 The jury may exit at this time.  
 8 (Prospective jurors recessed at 17:02:03)  
 9 THE COURT: The record shall reflect that the jury  
 10 has exited.  
 11 Well see counsel at 11:00 o'clock,  
 12 MS. DiGIACOMO: Your Honor, did you want to put  
 13 on the record the State's motion in the meantime?  
 14 THE COURT: The motion was filed, It is entitled  
 15 "Motion to Admit Prior Testimony of Jeremy Davis and Richard  
 16 Shott," S-H-O-T-T,  
 17 MS. DiGIACOMO: That's correct. Their prior trial  
 18 testimony, And I needed to locate it.  
 19 THE COURT: Well, I don't know, since counsel just  
 20 received that, if defendant's counsel has had an opportunity to  
 21 review it and what their position's gonna be. But if they need  
 22 the evening and the morning, we can take it up at 11:00  
 23 o'clock, I guess.  
 24 MR. SCHIECK: We can just do it at 11:00. That

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1 would be fine, Your Honor.  
 2 THE COURT: Very well.  
 3 MS. GREENBERGER: Thank you, Judge. Good  
 4 evening.  
 5 THE COURT: You're welcome. And everybody have  
 6 a good evening.  
 7 COURT ADJOURNED AT 17:04:19 UNTIL THE FOLLOWING  
 8 DAY, SEPTEMBER 12, 2006  
 9 \*\*\*\*\*

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**CERTIFICATION**

I (WE) CERTIFY THAT THE FOREGOING IS A "ROUGH DRAFT" TRANSCRIPT FROM THE ELECTRONIC SOUND RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

NW TRANSCRIPTS, LLC  
 NEVADA DIVISION  
 1027 S. RAINBOW BLVD., #148  
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 (702) 373-7457  
awt an L' - msncom



FEDERALLY CERTIFIED TRANSCRIBER/OWNER

Lin Dunbar DATE 4/29/07  
 TRANSCRIBER

COPY

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**AFFIRMATION**  
 Pursuant to NRS 239B4030

The undersigned does hereby affirm that the preceding Transcript filed in District Court, Case No. C177394 does not contain the social security number of any person,

Lin Dunbar  
 Transcriber

4/29/07  
 Date

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