

IN THE FOURTH JUDICIAL DISTRICT COURT  
OF UTAH COUNTY, STATE OF UTAH

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STATE OF UTAH,	)	
	)	VOLUME I
Plaintiff,	)	
	)	
vs.	)	Case No. 141400517 FS
	)	
MEAGAN DAKOTA GRUNWALD,	)	
	)	
Defendant.	)	
_____	)	

Jury Trial  
Electronically Recorded on  
April 28, 2015

BEFORE: THE HONORABLE DAROLD MCDADE  
Fourth District Court Judge

APPEARANCES

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P R O C E E D I N G S

(Electronically recorded on April 28, 2015)

COURT BAILIFF: All rise. Fourth District Court is now in session. The Honorable Darold McDade now presiding.

THE COURT: Thank you. Please be seated. Good morning, everyone. All right, we're going to go on the record. Today is Tuesday, April 28<sup>th</sup>, 2015. We're in the matter of State of Utah vs. Meagan Grunwald. The defendant is present with Counsel, as well as Counsel for the State. Are we ready to proceed today?

MR. PEAD: Yes, your Honor.

MR. ZABRISKIE: We are, your Honor.

THE COURT: Thank you. Again, a welcome to you that are appearing today. I appreciate your presence as well as your recognition of your civic duty and your participation in this very important proceeding. I recognize it's inconvenient for you. You'd rather be doing something else, probably, and quite frankly, I recognize that.

Even though I can't let all of you be excused, some of you have tried, and I have looked at a number of things, and it's just that the law doesn't allow me to excuse things for normal things that you think you should be excused for, I should say. It's very, very strict law that says most people have to serve if they're called to serve; but I do appreciate your being here. I know Counsel does as well.

1           The success of our judicial system relies upon juries,  
2 people like you, to come in and hear some of these matters. It  
3 also takes a lot off the shoulders of Judges, too, and allows  
4 other people to take part in the process. So, again, I thank  
5 you for being here.

6           My name is Judge Darold McDade, and I've been assigned  
7 to handle this case. This is my Court clerk Amber and my law  
8 clerk bailiff Pona. These -- this is my staff. We have a  
9 great staff and I'm happy to let you know that those that are  
10 required to stay will be in good hands.

11           So let me go ahead and ask Counsel, then, to stand and  
12 introduce yourself. I'm not so sure that we need to introduce  
13 everybody in the firms today. Just yourself would be good and  
14 those that you have with you, if you would.

15           MR. PEAD: My name is Sam Pead. I'm a Deputy Utah  
16 County Attorney. Our team includes Tim Taylor, who is also a  
17 Deputy Utah County Attorney, and Annmarie Howard who is a Juab  
18 Deputy County Attorney, and we represent the State of Utah in  
19 this case.

20           THE COURT: Thank you.

21           MR. ZABRISKIE: Ladies and gentlemen of the jury, my  
22 name is Dean Zabriskie. I represent Meagan Grunwald. To my  
23 right is Rhome Zabriskie. You'll note some coincidence there.  
24 We have several lawyers in our office and we practice up and  
25 down the state.

1           THE COURT: Thank you. All right, so as I've mentioned  
2 to you, I'm Judge McDade and I've been assigned to serve as  
3 the trial Judge for the case now before the Court. As you are  
4 aware, this is a criminal case involving 12 allegations. You  
5 saw those in your questionnaire, so I'm not going to go over  
6 those again with you now, but again, this is a criminal case,  
7 so -- and it's expected to require nine days to try, as you've  
8 also probably been made aware of.

9           The first thing we need to do this morning will be to  
10 select a jury to try this case. The process is referred to by  
11 the Courts as "voir dire." It's spelled v-o-i-r d-i-r-e. What  
12 that means is to hear the jury speak. I wish to make a comment  
13 or two about that process and then to explain how we'll proceed  
14 today.

15           Suppose for a moment that you are here as a party to  
16 a legal proceeding and that a jury was being chosen for your  
17 case. I have no doubt that you would want an impartial jury to  
18 hear and consider your case. Similarly the parties here desire  
19 to have a fair and impartial jury.

20           The process which we follow is designed to ultimately  
21 impanel such a jury. Each of you have an obligation to partic-  
22 ipate truthfully and in good faith in this process; and while  
23 the process may appear to go slow, please be patient with  
24 us. Again, if this were your case, you would hope that the  
25 prospective jurors were patient and attentive; and we ask the

1 same of you today.

2 In addition to needing an impartial jury, there are  
3 certain minimum qualifications to every trial a juror must  
4 meet, and those were also set forth in the questionnaire, the  
5 different qualifications that you had to go through, okay?

6 Some of those questions I'm sure were personal to you.  
7 When it comes time we'll go back into chambers and maybe talk  
8 about some of those questions that you responded to in a way  
9 that you don't have to be out here in front of everybody. We'll  
10 listen to you in chambers and we'll then take the answers in  
11 there however we need to take them. So I want you to know that  
12 we're not trying to make anybody feel uncomfortable. All we're  
13 trying to do is get a fair and impartial jury. So that's the  
14 process we'll follow, okay?

15 First I'm going to make a record of who is here,  
16 who is absent. I'm going to have an oath administered to you  
17 again, even though you signed at the end of your questionnaire  
18 that you're answering truthfully and honestly. I think it's  
19 important that we have you sworn in again for answers in the  
20 back. Not thinking that any of you are dishonest or anything  
21 like that. It's just important that we make sure we follow  
22 everything accordingly.

23 All right, let's see what else we need to do. There  
24 may be some additional questions. There's some additional  
25 people that I need to make you aware of. Let me go ahead,

1 then, and give you a cautionary instruction; very important  
2 that you listen to this. Under the law I'm obliged to give  
3 a cautionary instruction to you about your conduct during the  
4 jury selection process. It is essential that you follow these  
5 instructions.

6           Do not discuss matters of this case either among  
7 yourselves or with anyone else during the process of jury  
8 selection. You may speak with one another about the weather,  
9 about the Jazz, if you'd like, your garden or other subjects;  
10 but you should not discuss the case at all with anyone during  
11 the selection process except when directed by me, and you  
12 should not discuss the questioning or discussions that may  
13 occur in my office. Do not permit any person to discuss the  
14 case in your presence. If anyone does so, despite your telling  
15 them not to, report that fact to my bailiff as soon as you are  
16 able.

17           Though it is normal human tendency to converse with  
18 other people, please do not converse with any of the parties  
19 or their lawyers or any witness. By this I mean not only do  
20 not converse about the case, but do not converse at all, even  
21 to pass the time of day. In no other way can all the parties  
22 be assured of the impartiality they are entitled to expect from  
23 you as jurors.

24           Do not read about the case in the newspapers, nor  
25 listen to radio or television broadcasts about the trial. If

1 a newspaper headline catches your eye, do not examine the  
2 article further. Media accounts may be inaccurate and may  
3 contain certain matters which are not proper evidence for your  
4 consideration.

5 Do not do any research or make any investigation about  
6 the case on your own. This has become more of a concern now  
7 with Internet availability, and as Courts and trial Judges and  
8 Counsel we are aware of that. So please follow that admonition  
9 and that cautionary instruction.

10 All right, so let's take a look at the list and we  
11 will mark off, Counsel, who did not appear and who was excused  
12 from this group previously. All right, so excused are No. 13,  
13 No. 20, No. 26, No. 34, No. 38, and No. 59; is that right?  
14 Yeah, and who did not appear today? Who did not appear, then?

15 COURT CLERK: (Inaudible).

16 THE COURT: So everybody's here, all the way to 60. If  
17 you see anybody that's not next to you and I missed a number,  
18 please let me know. Great. That's fantastic; everybody showed  
19 up. Counsel, with regard to qualifications, you are aware of  
20 the questionnaire that was sent out to everyone and that every-  
21 one, then, has submitted answers to that questionnaire. Would  
22 you make a finding that the panel is statutorily qualified  
23 today?

24 MR. PEAD: Your Honor, I think there is one exception.  
25 I think it would be best to deal with that in chambers.

1 THE COURT: Okay, Mr. Zabriskie?

2 MR. ZABRISKIE: We'll concur, your Honor.

3 THE COURT: All right.

4 MR. ZABRISKIE: In chambers.

5 THE COURT: All right. All right, let's have you all  
6 stand, then, and let's give you an oath.

7 COURT CLERK: Please raise your right hand. You and  
8 each of you do solemnly swear that you will true answers make  
9 to such questions as shall be put to you touching your qualifi-  
10 cations to serve as jurors in the case now pending before the  
11 Court, so help you God?

12 (Jurors affirm the oath)

13 THE COURT: Thank you. Please be seated. Let me ask  
14 of each juror. All of you have filled out the questionnaire.  
15 Is there anyone who has not? We had two come in this morning  
16 and fill it out and hopefully we've gotten their answers, so  
17 great.

18 There were some names that were left off the question-  
19 naire that I'm going to read to you now. If any of you know  
20 these people please raise your hand, and we can discuss that  
21 in chambers, or maybe Counsel can follow through here. It just  
22 depends on feelings on that, okay?

23 All right, so then there are paralegals that will be  
24 involved both for the State and the defense. We have Chelsea  
25 Crawford, Jessie Lloyd, Hailey Christensen, Erin Seamons,



1 Britney McDonald; and additional witnesses will be -- possibly  
2 be James Horne, William Abbott, and -- is it Chelise Abbott?

3 MR. PEAD: Correct.

4 THE COURT: Chelise Abbott. Anybody recognize any of  
5 those names at all? Even slightly, if you do recognize any of  
6 those names, please let us know. All right, yes, sir. Let me  
7 find my list here. You are Mr. Styler; is that right?

8 MR. STYLER: Styler, yes.

9 THE COURT: Who do you think you might know there?

10 MR. STYLER: I know a -- I know an Aaron Seamons, I  
11 think, but I don't know if he's a paralegal.

12 MR. PEAD: It's a lady.

13 THE COURT: Okay. All right.

14 MR. PEAD: Okay, it's not the right one.

15 THE COURT: Okay, thank you, but that's what we need to  
16 do, make sure. So I appreciate that. Anyone else?

17 MR. PEAD: Judge, I mispronounced the Abbott name.  
18 Chenise is the pronunciation.

19 THE COURT: Okay, Chenise Abbott. Anybody know any of  
20 those names? All right, thank you. Lastly, before we go into  
21 chambers, I want you to look about the room at the other people  
22 that have been called to attend this morning. Do any of you  
23 know each other? Yes, ma'am, you are, let's see, Ms. Best?

24 MS. BEST: Uh-huh.

25 THE COURT: Who do you know?

1 MS. BEST: Pauline Iverson.

2 THE COURT: You're Ms. Iverson in the back? How do you  
3 know each other?

4 MS. BEST: Cub scouting years ago.

5 THE COURT: Okay, so it's been some time?

6 MS. BEST: Uh-huh.

7 THE COURT: Okay, is that what you were going to say,  
8 Ms. Iverson?

9 MS. IVERSON: (No verbal response).

10 THE COURT: Okay, and that relationship, if you were  
11 called to be jurors in this case, by reason of that relation-  
12 ship would you have difficulty or be unable to maintain your  
13 own individual view of the case?

14 MS. BEST: No.

15 THE COURT: You could be fair and impartial if called?

16 (No verbal response)

17 THE COURT: All right, anybody else? Yes, ma'am, in  
18 the front row, Ms. Murphy; is that right?

19 MS. MURPHY: I believe I know this lady right here  
20 through sports.

21 THE COURT: What's --

22 MS. MURPHY: (Inaudible) sport, right here.

23 THE COURT: So Ms. Rubert?

24 MA. MURPHY: Maybe.

25 MS. LAWRENCE: Lawrence.

1 THE COURT: Ms. Lawrence.

2 MS. LAWRENCE: Our boys are on teams together?

3 MS. MURPHY: Uh-huh.

4 MS. LAWRENCE: Could be.

5 THE COURT: What city would that be in?

6 MS. MURPHY: Spanish Fork.

7 MS. LAWRENCE: Yeah.

8 THE COURT: Does that ring a bell?

9 MS. LAWRENCE: I -- possibly, yeah.

10 THE COURT: Possibly?

11 MS. LAWRENCE: Lots of boys, lots of sports.

12 THE COURT: Okay, so -- all right, good. Now, that

13 relationship, would it cause you to not be able to listen to

14 the facts and be impartial and fair?

15 (No verbal response)

16 THE COURT: All right, thank you. Anyone else? Yes,

17 ma'am.

18 PROSPECTIVE JUROR: Chris Coombs. We're neighbors.

19 THE COURT: Mr. Coombs and you are neighbors. Okay,

20 how long have you lived next to each other?

21 PROSPECTIVE JUROR: Two years.

22 THE COURT: Two years. That relationship, again, would

23 you have difficulty being able to maintain your individual view

24 of the case? Could you still be impartial and fair if you were

25 both called?

1 (No verbal response)

2 THE COURT: Yes? Mr. Coombs? Yes? All right. Okay,  
3 let's go here. Yes, sir.

4 MR. WAKEFIELD: Steve Turley.

5 THE COURT: You're Mr. Wakefield.

6 MR. WAKEFIELD: Yes.

7 THE COURT: And Mr. Turley, you know each other?

8 MR. WAKEFIELD: Well, he knew me today, and we've  
9 visited today, yeah.

10 THE COURT: Okay.

11 MR. WAKEFIELD: His daughter is in a program that I  
12 work with, and so it's -- I know him now.

13 THE COURT: Okay, is that correct?

14 (No verbal response)

15 THE COURT: Well, that relationship, would you still  
16 be able to maintain your own individual view of the case,  
17 Mr. Turley?

18 MR. TURLEY: Yes.

19 THE COURT: All right, anyone else? Okay, let's go  
20 here. You are Ms. Taylor?

21 MS. TAYLOR: Yes.

22 THE COURT: Who do you know?

23 MS. TAYLOR: I don't remember her first name, but we  
24 are both from Lehi, and our kids have gone to school together.  
25 Well, she's not from Lehi anymore, but she was, and her kids

1 went to the school that I teach at.

2 THE COURT: Would that be Ms. Tolman?

3 MS. TAYLOR: Yes.

4 THE COURT: Okay, is that what you were going to say,  
5 too, as well?

6 MS. TOLMAN: Uh-huh.

7 THE COURT: That relationship, again, would it hinder  
8 your ability to maintain your own individual view of this case?

9 (No verbal response)

10 THE COURT: No? No? Okay, anyone else? Now is the  
11 time. One time I had Bob Evans from Channel 13 News sitting  
12 in the front row and I asked that question and everybody's hand  
13 shot up. He felt good about it, I'll tell you that.

14 Anyway, all right, we've talked about health concerns  
15 and those kinds of things, and we may end up going over that a  
16 little bit further in chambers if you've signed and marked that  
17 box on your questionnaire.

18 All right, then, Counsel, I'm ready for questions  
19 in chambers. Would you stipulate that the jurors have been  
20 randomly selected and seated today?

21 MR. PEAD: We would, your Honor.

22 MR. ZABRISKIE: So stipulated, your Honor.

23 THE COURT: All right, so what we're going to do now,  
24 and this takes a little bit of time, probably more so in this  
25 case, but it's going to be trying on your patience, I'm sure.

1 Again, I do appreciate your being here. This is part of the  
2 process. You would want this to be as deliberate as possible  
3 if it was your case, so it may take some time.

4 Pona will be here to answer any questions that he can  
5 answer, take care of your needs and things like that, let you  
6 know where we're at and things like that. Many of you may be  
7 called back in chambers. So be present when that time comes  
8 and we'll just see how long it takes. Hopefully we can get it  
9 done soon, but you never know.

10 All right, Counsel, anything else before we go?

11 MR. PEAD: No, your Honor.

12 MR. ZABRISKIE: No.

13 THE COURT: All right, we'll recess into chambers.

14 COURT BAILIFF: All rise. We're in recess. Go ahead  
15 and be seated.

16 (Court and Counsel meet in chambers. Please note  
17 during jury voir dire in chambers there are several  
18 times when people are speaking over one another and  
19 it is difficult to accurately transcribe the record  
20 on these portions. Also some voices are very similar.  
21 So there may be certain instances when the speaker may  
22 be inadvertently misidentified.)

23 THE COURT: Okay, we are in chambers in the matter of  
24 State vs. Grunwald. We'll handle challenges at this point in  
25 time. Parties are present, including the defendant and Counsel.

1 Okay, so you've each had a chance to review the questionnaires.

2 The plan and the way that I handle it is if you would  
3 let me know on the questionnaire where you have concern with  
4 somebody, I can start off the questioning. I'll allow Counsel  
5 to follow up as much as needed, until we get to the point where  
6 we can let the go back out.

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8 The other thing is, if we have stipulated to jurors  
9 being dismissed, I'd like to know that now so that we can go  
10 ahead and call them back and then just have them released at  
11 that time, rather than wait around for the whole process.

12 MR. PEAD: Your Honor, based on the questionnaire,  
13 we've found a number that we would stipulate to being excused  
14 for cause.

15 THE COURT: Okay, go ahead and let me know who those  
16 are.

17 MR. PEAD: No. 2.

18 THE COURT: Stephen Harmon. So I'll put it here on  
19 party challenges, put "stipulate."

20 MR. PEAD: Okay, No. 4.

21 THE COURT: Holly Taylor; is that correct, or do you --

22 MR. ZABRISKIE: Yes, so stipulated.

23 THE COURT: Okay.

24 MR. ZABRISKIE: And on No. 2 we stipulate.

25 THE COURT: All right, 2 and 4.

1 MR. PEAD: No. 6.  
2 THE COURT: No. 6, Audrey Strickland.  
3 MR. ZABRISKIE: So stipulated.  
4 THE COURT: Okay.  
5 MR. PEAD: No. 9.  
6 THE COURT: David Styler.  
7 MR. ZABRISKIE: So stipulated.  
8 THE COURT: All right.  
9 MR. PEAD: No. 11.  
10 THE COURT: Amy Hock or Haack.  
11 MR. ZABRISKIE: So stipulated.  
12 THE COURT: All right. Okay.  
13 MR. PEAD: No. 16.  
14 THE COURT: Angela Lee Murphy.  
15 MR. ZABRISKIE: So stipulated.  
16 THE COURT: Okay.  
17 MR. PEAD: No. 20.  
18 THE COURT: No. 20 was excused. So we're okay there.  
19 MR. PEAD: No. 24.  
20 THE COURT: No. 24, Trista Lawrence.  
21 MR. ZABRISKIE: So stipulated.  
22 THE COURT: Okay.  
23 MR. PEAD: No. 25.  
24 THE COURT: No. 25, Holly Rubert.  
25 MR. ZABRISKIE: So stipulated.



1 THE COURT: Okay. All right.  
2 MR. PEAD: No. 29.  
3 THE COURT: No. 29, Ashley Bushman.  
4 MR. PEAD: It's Buhman.  
5 THE COURT: Buhman?  
6 MR. PEAD: Yeah, she's related to Jeff Buhman.  
7 THE COURT: Okay.  
8 MR. ZABRISKIE: So stipulated.  
9 THE COURT: Yeah. All right.  
10 MR. PEAD: No. 30.  
11 THE COURT: No. 30, Bruce Wing.  
12 MR. ZABRISKIE: So stipulated.  
13 THE COURT: Okay.  
14 MR. PEAD: No. 43.  
15 THE COURT: No. 43, Shantell Hailstone.  
16 MR. ZABRISKIE: So stipulated.  
17 THE COURT: Okay. All right.  
18 MR. PEAD: No. 48.  
19 THE COURT: No. 48, Miho Ipsen.  
20 MR. ZABRISKIE: So stipulated.  
21 THE COURT: Okay. All right.  
22 MR. PEAD: No. 56.  
23 THE COURT: No. 56, Steven Turley.  
24 MR. ZABRISKIE: So stipulated.  
25 THE COURT: Okay.

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MR. PEAD: No. 57.

THE COURT: No. 57, Casey Fuller.

MR. ZABRISKIE: So stipulated.

THE COURT: All right. Okay.

MR. PEAD: No. 58.

THE COURT: No. 58, Shaylee Brimhall.

MR. ZABRISKIE: So stipulated.

THE COURT: Okay. All right.

MR. PEAD: No. 60.

THE COURT: No. 60, Candace Sorrell -- Sorrells.

MR. ZABRISKIE: So stipulated.

THE COURT: Okay. All right, so let's do this. Let's just go to Mr. Pulham. Would you like to call him back and question him, No. 1?

MR. ZABRISKIE: His cousin works for the Utah County Sheriff's Department. We'd like to inquire into that matter.

THE COURT: Okay.

MR. ZABRISKIE: Relationship.

THE COURT: Okay, then No. 2 -- actually No. 1. What I'm going to do is we'll go through the order and when those people come up that will be stipulated will be released, we'll have them come in and just for the purposes of having them go.

MR. ZABRISKIE: Okay.

THE COURT: Okay, call No. 1. So you were -- what question was it?

1 MR. ZABRISKIE: He has a family member, a cousin who  
2 works for the Utah County Sheriff's Department, has heard about  
3 the case, and we want to inquire into where he heard about the  
4 case, whether he's discussed in detail with his cousin.

5 THE COURT: Okay.

6 COURT CLERK: Are you ready?

7 THE COURT: Yep.

8 MR. ZABRISKIE: Nos. I think 60 and 77; is that right?

9 THE COURT: Yeah.

10 (Mr. Pulham enters Judge's chambers)

11 THE COURT: Mr. Pulham, good morning. Have a seat  
12 right here, sir. Just some followup questions based upon your  
13 questionnaire. You stated in here that you have a cousin that  
14 works for the County Sheriff's Department.

15 MR. PULHAM: Used to.

16 THE COURT: He used to. How long ago?

17 MR. PULHAM: He worked as a guard as you come in the  
18 door.

19 THE COURT: Oh, like a bailiff for the Courts?

20 MR. PULHAM: Yeah.

21 THE COURT: Okay, how long ago was that?

22 MR. PULHAM: I don't know; 12, 13 years.

23 THE COURT: It's been some time. All right, your  
24 relationship with him, is it pretty close?

25 MR. PULHAM: My cousin.

1 THE COURT: Yeah, okay. All right, any followup on  
2 that, Counsel?

3 MR. ZABRISKIE: I do have a question. Have you talked  
4 with your cousin at all about this specific case?

5 MR. PULHAM: No, I haven't talked with him for about a  
6 year.

7 MR. ZABRISKIE: All right, thank you.

8 MR. PEAD: Mr. Pulham, this involves a -- the death of  
9 a Utah County Sheriff officer. So would that have any influence  
10 on your ability to be impartial? Do you feel that you would be  
11 able to be impartial with regards to this?

12 MR. PULHAM: Yes.

13 MR. PEAD: Okay.

14 THE COURT: Any followup on that?

15 (No verbal response)

16 MR. PEAD: The cousin's no longer employed with the  
17 sheriff's department?

18 MR. PULHAM: No.

19 MR. PEAD: Okay.

20 MR. ZABRISKIE: You indicated in your questionnaire  
21 that you've heard about this case. Was it by way of news  
22 stories, news reports?

23 MR. PULHAM: I -- when I guess it originally occurred  
24 -- well, I usually look at KSL.com news. That's where I get my  
25 -- you know, and briefly when it occurred, but then I haven't

1 done any followup since.

2 MR. ZABRISKIE: Okay, in light of what you read and  
3 what you heard from the news, do you still feel that you could  
4 be an impartial --

5 MR. PULHAM: Yes.

6 MR. ZABRISKIE: -- juror in this case? Thank you.

7 THE COURT: Anything else?

8 MR. PEAD: Yeah, question No. 73 it says, "Are you  
9 comfortable with being asked to sit in judgment of another  
10 person?" and you put, "No," and so --

11 MR. PULHAM: Well, I'm a little apprehensive.

12 MR. PEAD: Sure.

13 MR. PULHAM: That's just basically.

14 MR. PEAD: Do you feel like that -- that if you were  
15 called as a juror that you would be able to weigh the evidence,  
16 look at the evidence --

17 MR. PULHAM: Yes.

18 MR. PEAD: -- that you would feel like that you would  
19 be able to come up with a decision, whether --

20 MR. PULHAM: Yeah.

21 MR. PEAD: -- guilty, not guilty or whatever the case  
22 may be; and that you would be -- you would be fair to both  
23 sides?

24 MR. PULHAM: Yeah.

25 MR. PEAD: And to Ms. Grunwald, too?

1 MR. PULHAM: Well, like the law says, innocent until  
2 proven --

3 MR. PEAD: Okay.

4 THE COURT: Anything else for Mr. Pulham?

5 MR. ZABRISKIE: Nothing else.

6 MR. PEAD: That's it, Judge.

7 THE COURT: Okay.

8 MR. ZABRISKIE: Nothing.

9 THE COURT: Thank you, Mr. Pulham. Appreciate it.

10 MR. PEAD: Thank you.

11 (Mr. Pulham exits Judge's chambers)

12 THE COURT: Any reason why Mr. Pulham shouldn't pass?

13 MR. ZABRISKIE: We'd pass.

14 THE COURT: Pass?

15 MR. PEAD: Pass for cause.

16 THE COURT: We got one. All right, bring in No. 2,  
17 Stephen Harmon.

18 MR. ZABRISKIE: So I understand, your Honor, they're  
19 being excused at this time?

20 THE COURT: Right, unless there is an objection, but  
21 my understanding is that it was stipulated to, and so we can  
22 excuse them at this point rather than have them (inaudible) any  
23 longer.

24 (Mr. Harmon enters Judge's chambers)

25 THE COURT: Mr. Harmon, correct?

1 MR. HARMON: Yes, sir.

2 THE COURT: You don't need to sit down. Based upon  
3 the answers to your questionnaire and things like that, it's  
4 been agreed that you can be released today and go on with your  
5 duties that you had planned.

6 MR. HARMON: Okay.

7 THE COURT: I appreciate your presence and your being  
8 here and following through. You will now be taken off the list  
9 for a while, however long that is, but --

10 MR. HARMON: Okay.

11 THE COURT: -- but I do want to thank you for being  
12 here and following up with the --

13 MR. HARMON: Okay.

14 THE COURT: -- responsibility.

15 MR. HARMON: Thank you.

16 THE COURT: Thank you.

17 MR. ZABRISKIE: Thank you.

18 THE COURT: Then (inaudible) can --

19 COURT BAILIFF: Okay.

20 THE COURT: Okay, No. 3, Joel Wustemann. Shall we  
21 bring him back?

22 MR. PEAD: He complains about insomnia. I just wonder  
23 if he has issues with fatigue and concentration. This is a  
24 case that's going to demand a lot of attention from jurors.

25 THE COURT: Okay, do want to bring him back?

1 MR. ZABRISKIE: Make sure it's not caused by ampheta-  
2 mines.  
3 MR. PEAD: Yeah, and is he medicated for his insomnia  
4 condition.  
5 THE COURT: Bring back No. 3, Joel Wustemann.  
6 MR. ZABRISKIE: What questions are those on?  
7 THE COURT: Uh-huh.  
8 MR. PEAD: Pardon?  
9 MR. ZABRISKIE: What questions are those on?  
10 THE COURT: I don't see it.  
11 MR. ZABRISKIE: Is this from social website search?  
12 MR. PEAD: This is from a Facebook search where he  
13 claims that -- I'm sorry, that's not on the questionnaire.  
14 MR. ZABRISKIE: I mean, I guess it's fair game if you  
15 want to ask it, but --  
16 MR. PEAD: Well, he'll wonder how I even knew that.  
17 (Mr. Wustemann enters Judge's chambers)  
18 THE COURT: Mr. Wustemann.  
19 MR. WUSTEMANN: Hi.  
20 THE COURT: How are you. Please have a seat here, sir.  
21 How are you today?  
22 MR. WUSTEMANN: All right.  
23 THE COURT: Okay.  
24 MR. PEAD: I do have a question for him.  
25 THE COURT: Okay, Mr. Pead.



1           MR. PEAD: Okay, Mr. Wustemann, on question No. 74,  
2 the question was, "Do you have difficulty making decisions  
3 regarding important matters?" and you answered, "Yes."

4           MR. WUSTEMANN: Sometimes.

5           MR. PEAD: So obviously this is a case involving  
6 allegations of murder --

7           MR. WUSTEMANN: Yeah.

8           MR. PEAD: -- and that's an important matter. So my  
9 question is, is that how do you feel about being asked if you  
10 were asked to sit on the jury, making decision with regards to  
11 these matters?

12           MR. WUSTEMANN: I'm fine with it; I just struggle with  
13 it.

14           MR. PEAD: Okay.

15           MR. WUSTEMANN: But I -- I can do it, though.

16           MR. PEAD: You can do it?

17           MR. WUSTEMANN: It's just I'm just uncomfortable.

18           MR. PEAD: Okay.

19           MR. WUSTEMANN: But I can do it. I can make important  
20 decisions. It just takes me a little longer.

21           MR. PEAD: Okay. Okay, so you feel like that you could  
22 listen to the evidence, and that at the end of all the evidence  
23 if you were chosen as a juror that you could go ahead and try  
24 your best to reach a decision in this matter?

25           MR. WUSTEMANN: Yes, I could.

1 MR. PEAD: Okay.

2 THE COURT: All right. Mr. Zabriskie?

3 MR. ZABRISKIE: I don't have any questions, your Honor.

4 MR. PEAD: Let me ask a question that I -- it wasn't  
5 necessarily on the questionnaire. Are you -- do you take any  
6 type of medications or anything like that?

7 MR. WUSTEMANN: No, I don't.

8 MR. PEAD: Thank you.

9 THE COURT: Anything else, then?

10 MR. ZABRISKIE: I do have one other question. You're  
11 employed at the Utah State Hospital?

12 MR. WUSTEMANN: Yes, I am.

13 MR. ZABRISKIE: What's your -- what's your general work  
14 schedule there?

15 MR. WUSTEMANN: I work from 11:30 to 8 p.m., afternoon  
16 shift.

17 MR. ZABRISKIE: Okay.

18 MR. PEAD: Would -- that's a State job?

19 MR. WUSTEMANN: Yeah.

20 MR. PEAD: Would there be any type of difficulty with  
21 your employment as it relates to being absent from work for two  
22 weeks?

23 MR. WUSTEMANN: They're actually very supportive. They  
24 would pay for the whole thing.

25 MR. PEAD: Wow.

1 THE COURT: (Inaudible) all right. Anything else, then?

2 MR. ZABRISKIE: No, thank you.

3 THE COURT: That's awesome. Thank you.

4 MR. WUSTEMANN: All right, thanks.

5 (Mr. Wustemann exits Judge's chambers)

6 THE COURT: Any reason why Mr. Wustemann should not

7 pass?

8 MR. PEAD: No, pass for cause.

9 MR. ZABRISKIE: Pass for cause.

10 THE COURT: All right. Let's bring in Holly Taylor, 4.

11 MR. PEAD: Do you think they're going to build us a new

12 courthouse, Judge?

13 THE COURT: They are. It will be -- it will be right

14 here in --

15 MR. PEAD: What will they do in this building?

16 THE COURT: This is supposedly going to be MATC. I

17 think that was recently --

18 MR. PEAD: So what's the schedule? Do you know when

19 they'll start things?

20 THE COURT: 2018. Yeah, they'll start here in the fall.

21 Come in, Ms. Taylor. Thank you.

22 MS. TAYLOR: Thank you.

23 (Ms. Taylor enters Judge's chambers)

24 THE COURT: You don't necessarily need to sit down,

25 Ms. Taylor. It's been agreed that you can be released today

1 from serving on the jury. Your name will also be crossed out  
2 and you won't have to come back I guess for however long it is.  
3 I appreciate your being here and your willingness to serve; but  
4 at this time you're free to go. Again, thank you.

5 MS. TAYLOR: Okay, thanks.

6 (Ms. Taylor exits Judge's chambers)

7 THE COURT: Okay, are you making sure if they need a  
8 (inaudible)?

9 COURT CLERK: Yeah, I've got them right here.

10 THE COURT: All right, how about No. 5, Ogden Dewitt?

11 MR. PEAD: The only thing that we saw is there really  
12 wasn't anything on the questionnaire that jumped out at me, but  
13 I noticed that he was limping this morning, and I just didn't  
14 know if he had a recent injury or anything. I just wanted to  
15 make sure that he was okay. Did you guys notice with regard to  
16 the limping?

17 MR. ZABRISKIE: He seemed to be struggling a little.

18 MR. PEAD: So did you want to talk to that, or are you  
19 okay with that?

20 MR. ZABRISKIE: We probably ought to inquire if he's  
21 comfortable or --

22 MR. PEAD: If he needs any special accommodations or  
23 anything like that?

24 THE COURT: No. 5, Ogden Dewitt. Good morning, sir.  
25 Come right up here.

1 MR. DEWITT: Thank you.

2 (Mr. Dewitt enters Judge's chambers)

3 THE COURT: How are you today?

4 MR. DEWITT: Well, it's been a long walk. I'm doing  
5 okay, I guess.

6 THE COURT: Okay, yeah, sorry that is a long walk  
7 to get back here, but wanted to ask you some questions, not  
8 necessarily with regard to your questionnaire. We wanted to  
9 make sure that physically healthwise you're okay to be able to  
10 handle this case and sit through it if you're called to be a  
11 juror, recognizing it will be a couple of weeks.

12 MR. DEWITT: I should be fine.

13 THE COURT: Okay, anything to follow up on?

14 MR. PEAD: We were just wondering if you had had a  
15 recent injury or anything like that, if you --

16 MR. DEWITT: No, I had a stroke back in 2000.

17 MR. PEAD: Okay, okay, and so --

18 MR. DEWITT: It's affected my walking. Other than that  
19 it doesn't really affect me.

20 MR. PEAD: Okay, great. Any special accommodations  
21 that you would need if you were asked to --

22 MR. DEWITT: I don't think so, no.

23 MR. PEAD: Okay, do you need to get up and rest? I  
24 think the Judge takes occasional breaks and stuff like that if  
25 you need them.

1 MR. DEWITT: No problem.

2 THE COURT: Every three days we get a rest.

3 MR. DEWITT: Well, that might help.

4 MR. ZABRISKIE: May I -- may I inquire, your Honor.

5 THE COURT: Sure.

6 MR. ZABRISKIE: Mr. Dewitt, I notice that you were in  
7 the military police?

8 MR. DEWITT: Yes.

9 MR. ZABRISKIE: How long had -- did you serve in that  
10 position?

11 MR. DEWITT: Just two months. Well, actually it was in  
12 Fort Benning, Georgia -- at that time Fort (Inaudible).

13 MR. ZABRISKIE: Uh-huh.

14 MR. DEWITT: That was just an assignment for two months  
15 (inaudible) fourteen months.

16 MR. ZABRISKIE: Uh-huh, did you have special training  
17 as it relates to that?

18 MR. DEWITT: No, no.

19 MR. ZABRISKIE: But was that -- or you were in the  
20 military, then?

21 MR. DEWITT: Correct.

22 MR. ZABRISKIE: Then in that capacity it was just for  
23 two months?

24 MR. DEWITT: Yes, sir.

25 MR. ZABRISKIE: Was that a base assignment?

1 MR. DEWITT: Well, actually it was before I went to  
2 Vietnam.

3 MR. ZABRISKIE: I see.

4 MR. DEWITT: So after that I went to Vietnam the first  
5 -- my last seven months.

6 MR. ZABRISKIE: You served in Vietnam?

7 MR. DEWITT: Yeah, uh-huh.

8 MR. ZABRISKIE: We're somewhat contemporaries, aren't  
9 we? You indicated that you know a little bit about this case  
10 from KSL?

11 MR. DEWITT: Yes, just from news (inaudible).

12 MR. ZABRISKIE: So have you formed any opinions based  
13 on what you have learned from KSL?

14 MR. DEWITT: Probably have some ideas, but no real --  
15 my main thing was I felt the evidence, but I felt they didn't  
16 know enough to make a decision. So basically I thought that  
17 the evidence was -- base everything based on the evidence, yes.

18 MR. ZABRISKIE: So still have an open mind, not formed  
19 any set in cement opinions based on KSL?

20 MR. DEWITT: No, no.

21 MR. ZABRISKIE: All right, nothing further, Judge.

22 THE COURT: Thank you, sir. Appreciate it.

23 MR. PEAD: Thank you.

24 (Mr. Dewitt exits Judge's chambers)

25 THE COURT: Go ahead and call back Audrey Strickland as

1 well (inaudible).

2 COURT BAILIFF: Okay.

3 THE COURT: (Inaudible).

4 MR. PEAD: I haven't. I missed out on that. That's  
5 what I hear.

6 THE COURT: Any reason why we shouldn't pass Mr. Dewitt.

7 MR. PEAD: No, pass for cause.

8 THE COURT: Pass for cause. Thank you.

9 MR. PEAD: So, you, then, Dean?

10 MR. ZABRISKIE: Yeah, some day I'll tell you about my  
11 experience there. It's kind of private. Almost turned me into  
12 a Democrat.

13 MR. PEAD: Doesn't sound so bad.

14 (Ms. Strickland enters Judge's chambers)

15 THE COURT: Ms. Strickland.

16 MS. STRICKLAND: Hi.

17 THE COURT: It's been agreed that you can be released  
18 today, recognizing some of the things that are going on and  
19 some of the answers to your questionnaire it's been agreed that  
20 you can be released. I want to thank you --

21 MS. STRICKLAND: Okay.

22 THE COURT: -- once again for being here, and your  
23 presence is very important. So I appreciate your recognition  
24 of that.

25 MS. STRICKLAND: Thank you so much.



1 THE COURT: Okay, thank you.  
2 (Ms. Strickland exits Judge's chambers)  
3 THE COURT: No. 7 is Jeffrey Phillippe.  
4 MR. PEAD: Phillippe.  
5 THE COURT: Phillippe. Do you have questions for  
6 Mr. Phillippe?  
7 MR. PEAD: I think we excused him for cause.  
8 THE COURT: That would be right.  
9 COURT CLERK: I didn't have him.  
10 THE COURT: No, I didn't have him.  
11 MR. PEAD: Oh, we didn't?  
12 MR. ZABRISKIE: We didn't mark him for cause.  
13 MR. PEAD: Oh, sorry.  
14 MR. ZABRISKIE: Yeah, we did want to question him,  
15 though. He has a brother who is a sheriff.  
16 MR. PEAD: Oh, it's Jason Phillippe. That's why.  
17 MR. ZABRISKIE: He knows Mark (Inaudible).  
18 MR. TAYLOR: For cause.  
19 COURT CLERK: A. J. Eckles.  
20 MR. ZABRISKIE: A. J. Eckles.  
21 MR. PEAD: I think we'd stipulate to that.  
22 MR. ZABRISKIE: Went to high school with him.  
23 MR. PEAD: Yeah. The reason -- if you look on --  
24 MR. ZABRISKIE: Oh, yeah, and this --  
25 MR. PEAD: -- this one, I thought it was a financial

1 hardship.

2 MR. ZABRISKIE: Yeah, that he's self-employed, paid  
3 on 100 percent commissions. Taking two weeks off would be  
4 extremely difficult financially on his family.

5 MR. PEAD: That's what I thought.

6 MR. ZABRISKIE: We would stipulate for cause.

7 MR. PEAD: Okay.

8 THE COURT: Let's bring back Mr. Phillippe.

9 MR. PEAD: Phillippe.

10 THE COURT: Phillippe, okay.

11 MR. PEAD: Yeah, it's kind of (inaudible).

12 THE COURT: I'll probably mess it up again.

13 COURT CLERK: Think Philippines.

14 (Mr. Phillippe enters Judge's chambers)

15 THE COURT: Mr. Phillippe.

16 MR. PHILLIPPE: Yes.

17 THE COURT: Good morning.

18 MR. PHILLIPPE: Hi.

19 THE COURT: It's been agreed that you can be released  
20 of your duty today based upon the answers in your questionnaire  
21 and things like that, but I want to thank you for coming and  
22 taking part in the process. It's important, and appreciate  
23 you recognizing that civic duty. You'll now be taken off the  
24 juror's list for a while --

25 MR. PHILLIPPE: Thank you.

1 THE COURT: -- and you will not worry about it. Again,  
2 thank you for being here.

3 MR. PHILLIPPE: Okay.

4 (Mr. Phillippe exits Judge's chambers)

5 THE COURT: All right, No. 8 is Ramona Best.

6 MR. PEAD: She has a brother that works for the Orem  
7 Police Department.

8 MR. ZABRISKIE: Brother-in-law.

9 MR. PEAD: A brother-in-law, yeah.

10 THE COURT: Okay, we'll call her back.

11 MR. PEAD: Yeah, we just want to inquire into that  
12 relationship.

13 THE COURT: Sure. Ramona Best.

14 (Ms. Best enters Judge's chambers)

15 THE COURT: Good morning, Ms. Best.

16 MS. BEST: Hi.

17 THE COURT: Please have a seat here. How are you today?

18 MS. BEST: Good.

19 THE COURT: Good. Actually we want to follow up on  
20 some questions with you that you had --

21 MS. BEST: Okay.

22 THE COURT: -- responded to. I believe the first one  
23 is your brother-in-law that's an officer --

24 MS. BEST: Uh-huh.

25 THE COURT: -- on Orem?

1 MS. BEST: Correct, Officer Eric (Inaudible).  
2 THE COURT: Is he still employed with Orem City?  
3 MS. BEST: Yes, but he's an ex-brother-in-law.  
4 THE COURT: Oh, I see. Okay, the relationship him now?  
5 MS. BEST: Just say "hi."  
6 THE COURT: When you see each other?  
7 MS. BEST: Yeah.  
8 THE COURT: When's the last time you spoke with him?  
9 MS. BEST: I saw him at the Lindon Walmart about three  
10 weeks ago.  
11 THE COURT: Okay.  
12 MS. BEST: Just said, "Hi."  
13 THE COURT: So it's nothing like a --  
14 MS. BEST: No.  
15 THE COURT: -- family dinner or anything?  
16 MS. BEST: No.  
17 THE COURT: I see.  
18 MS. BEST: Yes.  
19 THE COURT: All right, followup on that, Mr. Taylor or  
20 Mr. Pead?  
21 MR. PEAD: No, your Honor.  
22 THE COURT: Any additional questions? You've also --  
23 you've also mentioned that you've read or heard news about what  
24 happened in this case and --  
25 MS. BEST: Just on Facebook.

1 THE COURT: On Facebook, I see.

2 MS. BEST: I don't watch the news. So that's all.

3 THE COURT: All right.

4 MR. PEAD: Could I ask a question.

5 THE COURT: Sure, go ahead.

6 MR. PEAD: Okay, so do you have feelings about police  
7 officers in general, one way or the other, based upon your  
8 relationship with --

9 MS. BEST: No, not really.

10 MR. PEAD: -- your ex-brother-in-law or anything like  
11 that?

12 MS. BEST: No, police officers are just people.

13 MR. PEAD: So you would be able to look at their testi-  
14 mony if we had some officers testifying, and you wouldn't give  
15 it any more weight or credibility --

16 MS. BEST: No.

17 MR. PEAD: -- than anyone else?

18 MS. BEST: No.

19 THE COURT: Anything else?

20 MR. ZABRISKIE: Nothing further.

21 THE COURT: Thank you very much.

22 MS. BEST: Okay.

23 MR. PEAD: Thanks.

24 (Ms. Best exits Judge's chambers)

25 THE COURT: All right, so Ramona Best.

1 MR. PEAD: Pass for cause.

2 MR. ZABRISKIE: Pass for cause.

3 THE COURT: Okay, No. 9, David Styler.

4 (Mr. Styler enters Judge's chambers)

5 THE COURT: Good morning, sir.

6 MR. STYLER: Good morning, sir.

7 THE COURT: How are you?

8 MR. STYLER: Fine, thank you.

9 THE COURT: It's been agreed that you can be released

10 from your duty today either based upon the questionnaire, some

11 the things that you responded to or whatever it might be, but

12 you're excused to have to serve today, and wanted to bring

13 you back and say again thank you for being here and your

14 recognition of the duty you have.

15 MR. STYLER: Thank you for the opportunity.

16 THE COURT: Couldn't do it without you, so I appreciate

17 your being here and following through.

18 MR. STYLER: Okay, thank you.

19 THE COURT: Thank you.

20 MR. STYLER: Good day, sir.

21 (Mr. Styler exits Judge's chambers)

22 THE COURT: All right, so it's Sophie Christensen, I

23 guess, No. 9, Soofie?

24 MR. PEAD: Just say Ms. Christensen.

25 THE COURT: Yeah. Any questions for her?

1 MR. ZABRISKIE: Sounds like she's formulated a very  
2 strong opinion about this case. I'm looking at No. 99.

3 MR. TAYLOR: Is that specific to the case or in general?

4 THE COURT: Let's see, No. 99?

5 MR. TAYLOR: Yeah, I was thinking that we want --

6 MR. PEAD: I want to inquire as to what -- how she got  
7 Soofie. I think No. 76 is --

8 MR. ZABRISKIE: No. 76, keeping tracking of all the  
9 details and remembering --

10 MS. HOWARD: She underlined "exactly."

11 THE COURT: -- exactly what was said.

12 MR. PEAD: Yeah, I think that --

13 THE COURT: All right, let's call her back. May pass  
14 the buck here, but --

15 (Ms. Christensen enters Judge's chambers)

16 THE COURT: Good morning.

17 MS. CHRISTENSEN: Good morning.

18 THE COURT: Is it Soofie or --

19 MS. CHRISTENSEN: It is.

20 THE COURT: Soofie, huh? Ms. Christensen, thank you  
21 for being here. Some questions that came about from your  
22 responses by Counsel mainly with regard to your -- I guess  
23 you've kept track of this case. Have you been following it a  
24 little bit and --

25 MS. CHRISTENSEN: Once I started thinking about it, I

1 do remember watching it on TV when it was, you know.

2 THE COURT: Once you saw the questionnaire and started  
3 to answer it, or even before then?

4 MS. CHRISTENSEN: I haven't seen things recently on TV,  
5 but I do remember when it happened, as it happened. I just  
6 don't remember a lot of the facts.

7 THE COURT: Okay.

8 MS. CHRISTENSEN: I remember watching the funeral  
9 procession as it went through Spanish Fork.

10 THE COURT: All right.

11 MS. CHRISTENSEN: I live in Salem, so --

12 THE COURT: Uh-huh.

13 MS. CHRISTENSEN: -- I was interested in that.

14 THE COURT: Okay, Mr. Taylor.

15 MR. TAYLOR: Ms. Christensen, question No. 76 says, "Is  
16 there anything that you feel would make it difficult for you to  
17 be fair and impartial if selected as a juror?" You checked,  
18 "Yes." Then you made a little note there that says, "Keeping  
19 track of all details, remember exactly what was said."

20 MS. CHRISTENSEN: Uh-huh.

21 MR. TAYLOR: Could you just explain a little bit on  
22 that, please.

23 MS. CHRISTENSEN: Yeah, I just have a hard time remem-  
24 bering exact wording, different conversations or --

25 MR. TAYLOR: Would that affect your ability to be fair



1 and impartial towards either side?

2 MS. CHRISTENSEN: I don't know as much to be fair; but  
3 if I had to recite exactly word-for-word a lot of things that  
4 -- it would make me a little bit nervous to say exactly, you  
5 know, remembering a lot of details throughout the day, if that  
6 would -- without writing things down, I would have to do that.

7 MR. TAYLOR: Judge, do you allow the jurors to take  
8 notes during the trial?

9 THE COURT: Yes, I do.

10 MR. TAYLOR: Okay.

11 THE COURT: They'll have a note pad in their binder.

12 MR. TAYLOR: Okay.

13 MS. CHRISTENSEN: I'm a note taker. I'll just tell  
14 you, if I were having conversations or meetings I do take a  
15 lot of notes. So that's what I mean by remembering a lot of  
16 details. I'm not really good at remembering exactly what they  
17 did at 3 o'clock or 2 o'clock or putting all that together.

18 MS. HOWARD: So when you say this, you're not saying  
19 that you've been keeping track of the details in the news?

20 MS. CHRISTENSEN: No, no, no.

21 MS. HOWARD: You're saying that during the course of  
22 the  
23 trial you would have --

24 MS. CHRISTENSEN: Yes.

25 MS. HOWARD: -- difficulty if you didn't have a note

1 pad?

2 MS. CHRISTENSEN: Yes.

3 MS. HOWARD: Okay.

4 MR. TAYLOR: So do you feel like having a note pad  
5 might help you to write down those things that you feel that  
6 are important to refer to and help you in the end to, after  
7 you've listened to all of the evidence --

8 MS. CHRISTENSEN: Yes.

9 MR. TAYLOR: -- so could that help you be fair and  
10 impartial?

11 MS. CHRISTENSEN: Taking notes, yes, while listening to  
12 things would help me.

13 MR. TAYLOR: Okay.

14 THE COURT: Okay.

15 MR. ZABRISKIE: Let me ask you a question.

16 MS. CHRISTENSEN: Uh-huh.

17 MR. ZABRISKIE: One of your responses in the question-  
18 naire, you indicated that you mostly remember watching the  
19 funeral for Cory Wride?

20 MS. CHRISTENSEN: Uh-huh.

21 MR. ZABRISKIE: What do you -- is that something you  
22 saw on the news or did you attend the funeral?

23 MS. CHRISTENSEN: Yes. No, I didn't attend. I just  
24 remember it was broadcast on one of the stations just a regular  
25 station. I just had a personal interest in it and watched it

1 that day.

2 MR. ZABRISKIE: Okay, and as you watched that -- I  
3 didn't watch it, so I'm not sure what you saw.

4 MS. CHRISTENSEN: Uh-huh.

5 MR. ZABRISKIE: How -- what did the program -- the  
6 programming involve? Did it show the whole funeral procession;  
7 did it show any --

8 MS. CHRISTENSEN: I do remember seeing --

9 MR. ZABRISKIE: -- speakers or anything of that nature?

10 MS. CHRISTENSEN: -- yes, speakers, procession, family.  
11 I can't -- I think it was at UVU. I don't know. I just remember  
12 seeing it. I remember that feeling the day, and the process --  
13 like I say, the procession --

14 MR. ZABRISKIE: Uh-huh.

15 MS. CHRISTENSEN: -- and it was coming through Spanish  
16 Fork, I believe.

17 MR. ZABRISKIE: Okay, having viewed the funeral and the  
18 reports on (inaudible) news do you still feel that you could be  
19 fair and impartial as a juror?

20 MS. CHRISTENSEN: Yes.

21 MR. ZABRISKIE: Thank you.

22 MR. TAYLOR: May I just --

23 THE COURT: Sure.

24 MR. TAYLOR: -- follow up with that? I went -- by  
25 circumstance I was in Spanish Fork the day they (inaudible)

1 the procession. It was a solemn experience. Like were you --  
2 obviously you were touched by the circumstance.

3 MS. CHRISTENSEN: Uh-huh.

4 MR. TAYLOR: Did that in any way formulate or lend  
5 itself to predisposition or any thoughts about what happened?

6 MS. CHRISTENSEN: I think there were just that solemn  
7 -- I just felt a very solemn feeling as well. Again, I don't  
8 --I'm so bad at like going back and remembering all the details  
9 and things. I do remember watching the funeral mostly and  
10 hearing about it on the news.

11 MR. TAYLOR: Did it trigger any anger on your part?  
12 I don't mean to get too personal, but --

13 MS. CHRISTENSEN: I have a husband. Losing a husband,  
14 I'm not -- I don't know if I felt anger about having a husband,  
15 and I could sympathize maybe with the wife a little bit,  
16 feeling her loss.

17 MR. TAYLOR: Uh-huh.

18 MS. CHRISTENSEN: Like I say, I was just interested in  
19 watching the funeral and hearing about Cory Wride.

20 MR. TAYLOR: Uh-huh.

21 MR. ZABRISKIE: If he has family members that are here  
22 in the courtroom while the trial is underway --

23 MS. CHRISTENSEN: Uh-huh.

24 MR. ZABRISKIE: -- will that be a distraction to your  
25 attention from the evidence?

1 MS. CHRISTENSEN: I don't think so.

2 MR. ZABRISKIE: I'm belaboring this, but you indicated  
3 also that keeping track of minutia --

4 MS. CHRISTENSEN: Uh-huh.

5 MR. ZABRISKIE: --you developed the practice of keeping  
6 notes?

7 MS. CHRISTENSEN: Uh-huh.

8 MR. ZABRISKIE: Does the note keeping in any way  
9 distract you from what's going on at the time? This will be a  
10 rather long and some would consider it a tedious experience.  
11 Do you feel comfortable in that environment?

12 MS. CHRISTENSEN: It's something I could do. It's not  
13 something I would think is really fun, but yeah, if it's --

14 MR. ZABRISKIE: It's not fun.

15 MS. CHRISTENSEN: -- required or -- I mean, I can, you  
16 know.

17 MR. ZABRISKIE: I also notice that some -- you had an  
18 opinion as it relates to a minor, a juvenile violation being  
19 tried in the adult Courts because of the seriousness --

20 MS. CHRISTENSEN: Uh-huh.

21 MR. ZABRISKIE: -- of the accusation. I'd like you to  
22 expand on that point just a little bit.

23 MS. CHRISTENSEN: Well, I guess if the minor age is 18  
24 and there is a serious crime committed, it should be treated --  
25 it should be taken seriously as far as how we handle the case.

1 MR. ZABRISKIE: How about if the accused is 17?

2 MS. CHRISTENSEN: There again, I feel like that is --  
3 that's so close to 18 for me.

4 MR. ZABRISKIE: (Inaudible)?

5 MS. CHRISTENSEN: Yeah, I don't know. I feel like  
6 that's real -- it's borderline for me. That's a tough one.  
7 At 17, and if you were a day older you would be 18, what would  
8 be the difference? I don't think it would, in my opinion.

9 MR. ZABRISKIE: I take notes, too.

10 MR. CHRISTENSEN: Uh-huh.

11 MR. ZABRISKIE: Up my sleeve, my (inaudible), every-  
12 thing else. I have no further questions, your Honor.

13 THE COURT: Okay.

14 MR. PEAD: Just one thing. So, Ms. Christensen, so  
15 the Judge is going to instruct you, if you are a juror, on the  
16 law --

17 MS. CHRISTENSEN: Uh-huh.

18 MR. PEAD: -- with regards to the evidence and how the  
19 statutes are and stuff like that. Do you feel like that --  
20 that you would be willing and able to follow the law and the  
21 instructions that the Judge would give you?

22 MR. CHRISTENSEN: Yes.

23 MR. PEAD: Okay.

24 MR. TAYLOR: Ms. Christensen, if I could ask, I don't  
25 know how much you know about the law. It looks like you took a

1 business law course at some point?

2 MS. CHRISTENSEN: Uh-huh.

3 MR. TAYLOR: Under the law, we as the State of Utah  
4 have the burden of proof in this case.

5 MS. CHRISTENSEN: Can you repeat that.

6 MR. TAYLOR: We have the burden of proof, which means  
7 we have to prove someone is guilty in order for them to be  
8 found guilty. The defense, the defendant, they don't have to  
9 do anything, okay?

10 MS. CHRISTENSEN: Okay.

11 MR. TAYLOR: Now, when we're dealing with situations  
12 like this and you've described it as a "solemn experience" --

13 MS. CHRISTENSEN: Uh-huh.

14 MR. TAYLOR: -- sometimes there could be a feeling of  
15 wanting some kind of justice to occur on behalf of a victim  
16 or a family or that kind of a thing. If you got all of the  
17 evidence and you felt like the State had not met its burden,  
18 and had not proven the defendant guilty, and even though you  
19 can sympathize with the victim's wife, would you still be  
20 willing to vote not guilty if you believed that we had not  
21 proved the case?

22 MS. CHRISTENSEN: I think, yeah, I would be able to do  
23 that if there's not enough evidence.

24 MR. TAYLOR: Thank you.

25 THE COURT: Anything else?

1 MR. ZABRISKIE: Nothing, Judge. Thank you.

2 THE COURT: Thank you very much.

3 (Ms. Christensen exits Judge's chambers)

4 THE COURT: Go ahead and call back Amy Haack.

5 MR. TAYLOR: Pass for cause.

6 MR. ZABRISKIE: Pass.

7 THE COURT: Thank you. What about No. 12, Stacy Betts?

8 (Ms. Haack enters Judge's chambers)

9 THE COURT: Is it Haack or --

10 MS. HAACK: Haack.

11 THE COURT: Haack. Ms. Haack, it's been agreed that

12 you can be released from your obligation today, based upon

13 whatever, you know, you had in your questionnaire or something.

14 So I want to bring you back and say thank you for your appear-

15 ance and following through with your obligation as a citizen.

16 So, again, thank you very much. Should take you off the juror's

17 list for a while. Appreciate it.

18 MS. HAACK: Okay, thank you.

19 MR. ZABRISKIE: Thank you.

20 (Ms. Haack exits Judge's chambers)

21 THE COURT: Okay, what about Stacy Betts, want to call?

22 MR. ZABRISKIE: He's indicated that he is more inclined

23 to believe a police officer's testimony than the defendant.

24 THE COURT: Let's bring him back.

25 MR. ZABRISKIE: (Inaudible)?



1 MR. TAYLOR: No. 12.

2 THE COURT: No. 12. Oh, which question is it?

3 MR. ZABRISKIE: No. 91.

4 MR. TAYLOR: Oh, I meant -- sorry, the question was  
5 what?

6 MS. HOWARD: No. 91. I guess it's just officer  
7 testimony (inaudible).

8 MR. TAYLOR: Than another witness?

9 MS. HOWARD: Yes.

10 (Mr. Betts enters Judge's chambers)

11 THE COURT: Good morning, Mr. Betts.

12 MR. BETTS: Hi.

13 THE COURT: How are you?

14 MR. BETTS: Well. How are you?

15 THE COURT: Doing okay. Just want to follow up here  
16 on, well, No. 1, the response that you gave on No. 91, which  
17 is, "Do you feel you would be more inclined to believe the  
18 testimony of a police officer than the testimony of other  
19 witnesses?" and you had checked, "Yes."

20 MR. BETTS: Uh-huh.

21 THE COURT: Do you want to follow through with that a  
22 little bit.

23 MR. BETTS: Well, I'd like to think that our police  
24 officers have a position of trust in the community and are held  
25 to a higher standard, maybe, if you will. So --

1 THE COURT: Uh-huh.

2 MR. BETTS: --I've given-- given that if I was asked to  
3 believe the testimony of a random police officer and a random  
4 defendant, typically I would lean more to believing what the  
5 police officer might have to say.

6 THE COURT: Okay.

7 MR. PEAD: If -- Mr. Betts, if the Judge instructed  
8 you  
9 that -- that the testimony of a police officer has no more  
10 weight than another witness in this case, and that you are to  
11 look at the credibility of the person testifying compared with  
12 the facts and the evidence that are introduced at trial, and  
13 then you make that judgment, but that you judge -- but that  
14 you don't automatically give that officer more weight purely  
15 because that person's an officer, would you be willing to  
16 follow that instruction from the Judge?

17 MR. BETTS: Certainly.

18 THE COURT: Okay, did you have a followup on that,  
19 Mr. Zabriskie?

20 MR. ZABRISKIE: I do. Along with the fact that we anti-  
21 cipate that our good police officers are truthful in sharing  
22 their observations in an accurate way, this is a unique case in  
23 that we have a law officer who was the ultimate victim -- have  
24 two officers. Would that, the fact that this is a homicide  
25 involving a police officer, and there's another police officer

1 that's been maimed, would that in and of itself because it's  
2 dealing with police officers impact your capacity to be fair?

3 MR. BETTS: I don't believe it would, not knowing the  
4 facts of the case and really what's presented, I can't say one  
5 way or another for sure, but I guess it would all depend on the  
6 circumstances and testimony of whomever was being a witness.

7 THE COURT: Okay, did you have another question?

8 MR. PEAD: I didn't have any other followup.

9 THE COURT: Anything else, then, for Mr. Betts?

10 MR. ZABRISKIE: So you have all girls?

11 MR. BETTS: I do.

12 MR. ZABRISKIE: That leads to chaos?

13 MR. BETTS: Oh, my, yes, (inaudible).

14 MR. TAYLOR: Yeah, I've got five daughters.

15 MR. BETTS: Yeah, (inaudible).

16 THE COURT: Thank you, Mr. Betts. Appreciate it.

17 (Mr. Betts exits Judge's chambers)

18 MR. TAYLOR: Pass for cause.

19 MR. ZABRISKIE: Pass for cause.

20 THE COURT: Thank you. Let's see, 13 was excused.

21 Spencer Sorenson is 14.

22 MS. HOWARD: Mine says it's Erica Gifford.

23 THE COURT: No. 14 is Spencer Sorenson?

24 MS. HOWARD: No.

25 MR. TAYLOR: (Inaudible).

1 THE COURT: I have Spencer Sorenson as 14.  
2 MS. HOWARD: Oh, you do. I wonder if that was 13.  
3 MR. TAYLOR: No. 13 was Camille Mower.  
4 MS. HOWARD: Let me culminate the lists.  
5 MR. TAYLOR: But I do think we should ask Erica Gifford  
6 about No. 15 and see if that's something --  
7 MS. HOWARD: Mine says Erica Gifford.  
8 COURT CLERK: Judge's list has (inaudible) 14.  
9 MR. TAYLOR: Erica Dawn Gifford?  
10 COURT CLERK: You have to look at (inaudible).  
11 (Several people speaking simultaneously. This portion  
12 cannot be transcribed.)  
13 THE COURT: So the next one should be Erica Gifford?  
14 MS. HOWARD: Yes.  
15 THE COURT: So my numbering is off.  
16 (Several people speaking simultaneously. This portion  
17 cannot be transcribed.)  
18 THE COURT: Nothing needs to be -- on your challenge,  
19 I guess I'm the only one that has it. I'm going to cross out  
20 Spencer Sorenson, because I don't believe he's supposed to be  
21 here.  
22 MR. TAYLOR: All right.  
23 THE COURT: So don't even -- I'll just cross right  
24 through it, and --  
25 MR. ZABRISKIE: So it is Erica Gifford?

1 MS. HOWARD: It's Erica Gifford as 14; is that correct?

2 MR. TAYLOR: I don't even know who that Spencer guy is.

3 MS. HOWARD: I don't either. Then --

4 THE COURT: So we're to Erica Gifford.

5 MS. HOWARD: -- the problem is, is you're missing the

6 (inaudible). Erica's name should be No. 14, and then Lorna

7 Orton should be No. 15.

8 MR. TAYLOR: Your Honor, could I have a break.

9 THE COURT: Yes.

10 MR. TAYLOR: To go to the bathroom. Actually Rhome has

11 to go, but I don't want to embarrass him.

12 MR. ZABRISKIE: Are we going out or are we going --

13 COURT CLERK: You can just use the one that's right

14 here if you need to use the restroom.

15 MR. ZABRISKIE: Oh, gotcha.

16 (Several people speaking simultaneously. This portion

17 cannot be transcribed.)

18 COURT CLERK: No, you're missing No. 15 on the list.

19 MR. TAYLOR: When I copied and pasted it didn't paste

20 over that name.

21 THE COURT: Okay, that's all.

22 (Several people speaking simultaneously. This portion

23 cannot be transcribed.)

24 MR. TAYLOR: Did anyone else notice any errors in the

25 seating chart with your jury members?

1 MS. HOWARD: I didn't, no.

2 MR. TAYLOR: Okay.

3 MR. ZABRISKIE: We good?

4 THE COURT: Yeah, so we're to Erica Gifford.

5 COURT CLERK: Mr. Pead is not back yet.

6 THE COURT: Do we need to call her in?

7 MS. HOWARD: We will.

8 MR. ZABRISKIE: Yes.

9 THE COURT: Okay.

10 MR. ZABRISKIE: I like this placement format. So many  
11 of the Courts we appear in we just get a long list.

12 COURT CLERK: Uh-huh.

13 MR. ZABRISKIE: You get all over the table trying to  
14 remember who they are and --

15 COURT CLERK: Uh-huh, that's how they do it.

16 MR. ZABRISKIE: Well done, Judge. Well done.

17 THE COURT: It's my ha -- my help, I mean. I just have  
18 them do it. Well, I do take a look at it and make sure, as you  
19 can see.

20 MR. PEAD: I'll try and pass the door.

21 THE COURT: Let's go ahead and bring -- are you ready,  
22 Mr. Pead?

23 MR. PEAD: Yes.

24 THE COURT: -- Erica Gifford, 14. What question are --

25 MR. TAYLOR: Just on -- there's several. I think I'd

1 like to start at maybe No. 70.

2 THE COURT: Okay.

3 MR. TAYLOR: Strong feelings about prosecutors and  
4 defense attorneys.

5 THE COURT: Okay.

6 (Ms. Gifford enters Judge's chambers)

7 THE COURT: Good morning, Ms. Gifford. Please have a  
8 seat. How are you today?

9 MS. GIFFORD: I'm good.

10 THE COURT: All right, Ms. Gifford, we're reviewing  
11 your questionnaire and the answers that you gave. Mr. Taylor  
12 would like to ask you some questions, okay?

13 MS. GIFFORD: Okay.

14 MR. TAYLOR: Okay, thank you, Ms. Gifford. Question  
15 No. 70, it says, "Do you have strong feelings either positive  
16 or negative about prosecutors?" and then there's also another  
17 question about strong feelings either positive or negative  
18 about defense attorneys, and you checked "Yes" on both those  
19 boxes. We'd just like to follow up a little bit with regard to  
20 that. Maybe starting with the prosecutors.

21 MS. GIFFORD: Okay, there was another question that I  
22 kind of had a little heartburn about. I think there is some-  
23 thing in there that says if we've had a little -- if we had  
24 legal proceedings before, correct?

25 THE COURT: Uh-huh.

1 MS. GIFFORD: I'm a foster parent. I have been in  
2 the foster care system for many years, since 2009 or 2008,  
3 and through that I've just had experience with attorneys, and  
4 I have also been accused of abuse. So I am very -- I do have  
5 strong feelings in those cases. So that's why.

6 MR. TAYLOR: So is it a prosecutor in general or is it  
7 kind of attorneys we all -- we all stink?

8 MR. ZABRISKIE: We're not going to take it personally.

9 MR. TAYLOR: Yeah, definitely not.

10 MS. GIFFORD: I just -- it's not -- it's just everybody  
11 stinks, both sides.

12 MR. TAYLOR: Okay. Okay, well, we --

13 MS. GIFFORD: It just stinks.

14 THE COURT: You've had some involvement in the system?

15 MS. GIFFORD: I've been in some juvenile courtrooms.

16 THE COURT: Okay.

17 MR. TAYLOR: Well, let me just follow up with regards  
18 to that.

19 MS. GIFFORD: Okay.

20 MR. TAYLOR: So based upon your feelings with the --  
21 the strong feelings that you have towards defense Counsel and  
22 prosecutors, would that make it difficult for you to -- to be  
23 able to reach a decision or to be able to participate as a  
24 juror, or would you --

25 MS. GIFFORD: I don't think so. I think my -- my



1 (inaudible) is just for the whole system. I don't know.

2 MR. TAYLOR: Would you be willing to put those feelings  
3 aside and to look at the evidence that was presented to you,  
4 follow the instructions from the Judge -- he'll instruct you  
5 on the law -- then base the decision on evidence and the law,  
6 and not looking at personalities or attorneys or anything like  
7 that?

8 MS. GIFFORD: Well, I would hope that somebody if I was  
9  
10 in the same situation would do that for me. So I -- I would be  
11 willing to do my best.

12 MR. TAYLOR: Okay. Did you want to follow up on that  
13 question, Dean or Rhome?

14 MR. ZABRISKIE: Yeah, to question No. -- yeah, 80, you  
15 indicated that you developed some feelings about the case from  
16 news media that you've witnessed?

17 MS. GIFFORD: I don't have a ton of news media exposure  
18 but I have had some, and I don't know that I have feelings  
19 about the case. I just have some general exposure, nothing  
20 very specific. I couldn't tell you anything that specific.  
21 Just that I recognized the case when I came in.

22 MR. ZABRISKIE: Okay.

23 THE COURT: Okay.

24 MR. ZABRISKIE: Were you going to do 94?

25 MR. TAYLOR: Uh-huh.

1 MR. ZABRISKIE: Okay, go ahead.

2 MR. TAYLOR: Less inclined to believe the witness  
3 testimony -- testimony of one being charged with a crime?

4 MS. GIFFORD: Am I less inclined to believe that?

5 MR. TAYLOR: In other words, does the accusation in  
6 and of itself reduce your respect for the party?

7 MS. GIFFORD: I think it's human nature that if some-  
8 body's been accused then you would assume there's a reason and  
9 I think that's where I was going with that. I don't necessarily  
10 know that I would be -- well, I guess that was my instinct, so  
11 I guess I'm going to go with it. (Inaudible).

12 MR. TAYLOR: Just let me jump back up to 80 again.

13 MS. GIFFORD: Okay.

14 MR. TAYLOR: You had negative feelings because of the  
15 news media, and you indicated you don't -- you're not a news  
16 groupie. Just what's the source of your news?

17 MS. GIFFORD: I listen to KSL and NPR on occasion,  
18 and then I listen to music radio stations, just the little  
19 (inaudible) that they have. I listen to radio all day long  
20 at work, so I cycle between whatever I'm feeling like that day.

21 MR. TAYLOR: The negative feelings that you have, could  
22 you tell us what direction the needle is pointing in?

23 MS. GIFFORD: What's the question? What's the --

24 MR. TAYLOR: Well, you say you -- sometimes you've got  
25 negative feelings because of the news media.

1 MS. GIFFORD: About this case specifically?

2 MR. TAYLOR: Yeah, about this case.

3 MS. GIFFORD: I don't know why I put that there at that  
4 time. I don't.

5 MR. TAYLOR: Regardless of that, you're willing to  
6 listen to the evidence that will be offered over these next  
7 several days?

8 MS. GIFFORD: Yes.

9 MR. TAYLOR: Keep an open mind?

10 MS. GIFFORD: Yes. I recognize that not everything is  
11 as it's portrayed, especially with my own personal experience.  
12 So --

13 THE COURT: All right.

14 MR. TAYLOR: You're preaching to the choir.

15 THE COURT: Anything else?

16 MR. PEAD: When you were accused of child abuse, was  
17 that here in Utah County?

18 MS. GIFFORD: It was.

19 MR. PEAD: Was that by a police officer that accused  
20 your or a neighbor or someone who --

21 MS. GIFFORD: I was a foster parent, and I self-  
22 reported (inaudible) --

23 MR. PEAD: Okay.

24 MS. GIFFORD: -- and it was investigated and found  
25 abuse for apparently fighting in the courtroom --

1 MR. PEAD: Oh, okay.

2 MS. GIFFORD: -- in Judge Newman's courtroom.

3 MR. PEAD: Okay.

4 MS. HOWARD: Judge Newman?

5 MS. GIFFORD: Uh-huh.

6 MR. PEAD: Okay, and so that's when you said at the  
7 very end that you have a hearing --

8 MS. GIFFORD: We also have an administrative hearing  
9 with the Office of Licensing because of that abuse (inaudible).

10 MR. PEAD: Okay, okay.

11 MR. TAYLOR: This is the Attorney General's Office  
12 that's handling that case?

13 MS. GIFFORD: Uh-huh, Allie Severson.

14 MR. TAYLOR: Okay, thank you.

15 MS. GIFFORD: So I have some -- I have some feelings.

16 MR. TAYLOR: That's true.

17 MS. GIFFORD: So I understand.

18 MR. TAYLOR: Sure, okay.

19 THE COURT: Anything else?

20 MR. ZABRISKIE: No.

21 THE COURT: Thank you, ma'am. That's all.

22 MR. TAYLOR: Thank you, Ms. Gifford.

23 MS. GIFFORD: Do I go back to the --

24 THE COURT: Yeah.

25 MS. GIFFORD: -- (inaudible)?

1 (Ms. Gifford exits Judge's chambers)

2 THE COURT: Okay, with regard to Ms. Gifford?

3 MR. PEAD: Judge, we'd ask that she be removed for  
4 cause based upon her strong feelings towards attorneys, the  
5 fact that the State of Utah is currently prosecuting -- or  
6 looking at her with regards to foster parents and allegations  
7 of abuse. In addition, that she also said that she would be  
8 more inclined -- or less inclined, I think, to believe the  
9 testimony of someone's been accused.

10 MR. ZABRISKIE: She wouldn't answer what her negative  
11 feelings were, which I didn't understand.

12 MR. PEAD: She looked right at you. I knew what she  
13 was talking about. Anyway, that's our feeling. We'd ask or  
14 move for --

15 THE COURT: Do you stipulate to that or --

16 MR. ZABRISKIE: Just defer to the Court.

17 THE COURT: I think it's appropriate to use a challenge  
18 on her. So I'll mark that as plaintiff's challenge for cause.

19 MR. TAYLOR: Is that a peremptory challenge?

20 THE COURT: No, plaintiff's challenge.

21 MR. TAYLOR: Oh, okay.

22 MR. ZABRISKIE: For cause.

23 MR. TAYLOR: Okay, thank you.

24 THE COURT: Lorna Orton, 15. Anything for her?

25 MR. PEAD: Oh, yes, questions 97 and 98, Judge.

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MR. TAYLOR: Yeah.

MR. PEAD: That she is -- yeah.

THE COURT: Lorna Orton.

MR. ZABRISKIE: Her husband's a stake president. That should (inaudible).

THE COURT: Which number was it?

MR. PEAD: 97.

(Ms. Orton enters Judge's chambers)

THE COURT: Good morning, Ms. Orton.

MS. ORTON: Hi.

THE COURT: How are you today?

MS. ORTON: I'm well, thanks.

THE COURT: Good. Just following through with some responses that you made on your questionnaire.

MS. ORTON: Okay.

THE COURT: No. 97, "As a juror you are called to decide what the facts are in this case and to render a verdict based upon the facts. It is not your job to decide what punishment if any should resolve from the facts. Are you willing to accept that your duty is to look at the facts and not to decide what punishment, if any, ought to resolve?" You had checked, "No."

MS. ORTON: Oh, sorry.

THE COURT: Was that just a misunderstanding of the question?

MS. ORTON: Yes, yeah.

1 THE COURT: Okay, so in reality you would have checked  
2 "yes"?

3 MS. ORTON: Yes.

4 THE COURT: Okay. All right, that's good.

5 MS. ORTON: Yeah.

6 MR. PEAD: Then the following question, could I please,  
7 Judge?

8 THE COURT: Yes.

9 MR. PEAD: So 98 it says, "Do you agree with the  
10 principal that anyone charged with a crime must be proven --  
11 must be proven guilty beyond a reasonable doubt before they can  
12 be convicted of a crime?" and you put "No."

13 MS. ORTON: I think I got those mixed up, but yeah, I  
14 think they should --

15 MR. PEAD: Okay, so --

16 MS. ORTON: -- with that --

17 THE COURT: Beyond a reasonable doubt?

18 MS. ORTON: Yeah.

19 MR. PEAD: So the State of Utah has the burden in this  
20 case --

21 MS. ORTON: Yes.

22 MR. PEAD: -- and we must prove beyond a reasonable  
23 doubt to the satisfaction of the jurors --

24 MS. ORTON: Right.

25 MR. PEAD: -- and you accept that principal?

1 MS. ORTON: Yes.

2 MR. PEAD: Okay.

3 MS. ORTON: Yes.

4 MR. PEAD: All right.

5 THE COURT: Okay.

6 MR. ZABRISKIE: Your husband's a stake president?

7 MS. ORTON: He's not.

8 MR. PEAD: I didn't have any other questions, your  
9 Honor.

10 THE COURT: Anything, Mr. Zabriskie?

11 MR. ZABRISKIE: No.

12 MR. TAYLOR: I don't have anything.

13 THE COURT: All right, thank you. That's all.

14 MS. ORTON: Okay, thanks.

15 MR. PEAD: Thanks.

16 (Ms. Orton exits Judge's chambers)

17 THE COURT: I'll just bring back Angela Murphy as what?

18 MR. ZABRISKIE: Pass for cause.

19 MR. PEAD: Pass for cause.

20 THE COURT: We're looking at 17.

21 (Ms. Murphy enters Judge's chambers)

22 THE COURT: Good morning, Ms. Murphy. Come right down  
23 in here. How are you today?

24 MS. MURPHY: Fine, thank you.

25 THE COURT: Don't feel intimidated. Your questions are



1 easy. Based upon the responses that you gave it's been agreed  
2 that you can be released from serving on this jury today. I wanted  
3 to bring you back and thank you for being here and taking part  
4 in the process. Without people like you we couldn't get this  
5 done. So I want you to know that you're also probably released  
6 from the (inaudible) that you will be until the next cycle or  
7 whatever. So thank you for being here, and you're free to go.

8 MS. MURPHY: Thanks.

9 MR. PEAD: All right, thank you.

10 MS. MURPHY: Good luck with the process.

11 MR. PEAD: Thank you.

12 (Ms. Murphy exits Judge's chambers)

13 THE COURT: Okay, so 17, Angela Lofthouse. Any  
14 questions for No. 17?

15 MR. PEAD: Yes, please.

16 THE COURT: Okay.

17 COURT CLERK: No. 17?

18 MR. PEAD: Yeah.

19 MR. ZABRISKIE: You're looking at 99?

20 MR. PEAD: Yeah, there's a couple of questions I have.

21 MR. TAYLOR: Yeah, 94 -- or 91 or 94 (inaudible).

22 (Ms. Lofthouse enters Judge's chamber)

23 THE COURT: Good morning.

24 MS. LOFTHOUSE: Good morning.

25 THE COURT: You are Ms. Lofthouse, Angela Lofthouse.

1 Thank you for being here. How are you doing today?

2 MS. LOFTHOUSE: Good.

3 THE COURT: Good. (Inaudible) got some responses that  
4 you made in your questionnaire.

5 MS. LOFTHOUSE: Okay.

6 THE COURT: We were looking at No. --

7 MR. PEAD: I have a (inaudible), Judge.

8 THE COURT: Go ahead.

9 MR. PEAD: Could I just grab that; is that okay? Okay,  
10 so I'm looking at question No. 83. It says, "Do you feel your  
11 decision in this matter might be criticized by your family,  
12 your friends or others?" and you put "Yes." Could you please  
13 share with us what you're thinking on that one.

14 MS. LOFTHOUSE: Well, some of my family are members of  
15 law enforcement, and so I -- I feel like I might be criticized  
16 by them, depending on what is decided.

17 MR. PEAD: So, Ms. Lofthouse, the State of Utah has  
18 the burden to prove beyond a reasonable doubt before a jury  
19 can convict. If the State didn't do that, and you felt that  
20 the individual was not guilty, could you reach that decision?

21 MS. LOFTHOUSE: I think I could.

22 MR. PEAD: Even in spite of possible criticism that you  
23 may face?

24 MS. LOFTHOUSE: Uh-huh.

25 MR. PEAD: Okay.

1 MS. LOFTHOUSE: Most of them don't even know that I was  
2 on the jury.

3 MR. PEAD: Who is -- who are you -- who are some of the  
4 law enforcement? Is that Las Vegas, you said, and --

5 MS. LOFTHOUSE: Yes, my brother in North Las Vegas and  
6 my brother-in-law in Alaska.

7 MR. PEAD: Okay, so you don't have any law enforcement  
8 relatives here in Utah?

9 MS. LOFTHOUSE: Not in Utah.

10 MR. PEAD: Okay.

11 THE COURT: Are they older brothers or --

12 MS. LOFTHOUSE: No, my brother's younger than me, but  
13 my brother-in-law is older.

14 THE COURT: Older, okay.

15 MR. PEAD: Have you talked to them about this case at  
16 all?

17 MS. LOFTHOUSE: No.

18 MR. PEAD: Okay. Also, you indicated that you have  
19 hearing aids?

20 MS. LOFTHOUSE: Uh-huh.

21 MR. PEAD: Do you have any problems with hearing or  
22 anything like that?

23 MS. LOFTHOUSE: Usually not. Occasionally --

24 MR. PEAD: Okay.

25 MS. LOFTHOUSE: -- but the hearing aids help a lot,

1 and if there are microphones, then I shouldn't have a --

2 MR. PEAD: Okay, were you able to hear the Judge this  
3 morning --

4 MS. LOFTHOUSE: Yeah.

5 MR. PEAD: -- fine and everything?

6 MS. LOFTHOUSE: Yeah, I could hear.

7 MR. PEAD: So if people spoke into the microphones then  
8 you're okay?

9 MS. LOFTHOUSE: Then I'm fine.

10 MR. PEAD: Okay.

11 MR. TAYLOR: Just a second.

12 THE COURT: Did you have any questions?

13 MR. ZABRISKIE: I was just waiting on Mr. Taylor.

14 THE COURT: Okay.

15 MR. TAYLOR: Question No. 84 it says, "Meagan Grunwald  
16 was 17 years old when these crimes were allegedly committed.  
17 Do you have an opinion as to whether a minor should be charged  
18 as an adult with such serious crimes?" Then you put, "Yes,"  
19 and then underneath you wrote, "I am generally against minors  
20 being charged as an adult, but with this level of seriousness I  
21 think it is appropriate." Anything else that you would like to  
22 share on that, or does that kind of summarize --

23 MS. LOFTHOUSE: Yeah, that sounds like that --

24 MR. TAYLOR: -- basically sums it up?

25 MS. LOFTHOUSE: Yeah.

1           MR. TAYLOR: Okay, and the Judge will instruct you on  
2 the law --

3           MS. LOFTHOUSE: Okay.

4           MR. TAYLOR: -- with regards to this matter. Are you  
5 willing to follow what the Judge instructs you with regard to  
6 the law?

7           MS. LOFTHOUSE: Yes.

8           MR. TAYLOR: Did you want to follow up on that, Dean,  
9 at all?

10          MR. ZABRISKIE: Just a few questions based on your  
11 answers. I think one of them you've already answered for  
12 Mr. Taylor. As a rule you distinguish between minors and  
13 adults; is that correct?

14          MS. LOFTHOUSE: Uh-huh.

15          MR. ZABRISKIE: An exception being the seriousness of a  
16 case?

17          MS. LOFTHOUSE: Yeah.

18          MR. ZABRISKIE: Does the seriousness of a case in any  
19 way affect your ability to maintain an open mind as it relates  
20 to guilt or innocence?

21          MS. LOFTHOUSE: I don't think so. I would try hard to  
22 (inaudible).

23          MR. ZABRISKIE: You also indicated that you're more  
24 inclined to believe police testimony, less inclined to believe  
25 testimony of someone who's been charged. Could you expand on

1 that?

2 MS. LOFTHOUSE: Well, I just -- I know I have vices,  
3 you know, right or wrong. I just wanted to answer honestly.  
4 I felt I would trust a police officer more; but again, I would  
5 try to (inaudible).

6 MR. ZABRISKIE: Let's take it a little bit further.  
7 This case here involves a police officer. It's a homicide  
8 case. I trust you know enough about the case to know that  
9 a police officer lost his life. Does your prior answer play  
10 into that? In other words, the fact that it's a police officer  
11 as opposed to a private citizen, would that make you more  
12 inclined to want to offer some reference for the police officer  
13 by being harsh with the -- I didn't do a good job asking that,  
14 but you appear to understand what this old man's trying to say.

15 MS. LOFTHOUSE: I don't think it makes a difference. I  
16 don't think so.

17 MR. ZABRISKIE: Then in question No. 99, you think that  
18 the accused, Meagan, is most likely guilty. Would you expand  
19 on that.

20 MS. LOFTHOUSE: I guess I just feel like if they have  
21 enough evidence to charge her with --

22 MR. ZABRISKIE: So the charge in and of itself sort of  
23 creates a presumption?

24 MS. LOFTHOUSE: Uh-huh.

25 MR. ZABRISKIE: If there was evidence offered to the

1 contrary, or that would contradict at least in the mind of who-  
2 ever's presenting it, would that impact this information to  
3 believe she's guilty?

4 MS. LOFTHOUSE: Yeah, (inaudible) change my mind if I  
5 -- depending on the evidence.

6 MR. PEAD: So if the State of Utah did not prove beyond  
7 a reasonable doubt with regards to these alleged crimes, could  
8 you vote to find this individual not guilty?

9 MS. LOFTHOUSE: I think so, yes.

10 MR. PEAD: With regards to the testimony of a police  
11 officer, if the Judge instructed you that, you know, you can't  
12 give any more weight to a police officer's testimony just  
13 because that person's a police officer, would you be willing  
14 to abide by that instruction.

15 MS. LOFTHOUSE: I would (inaudible) that.

16 MR. PEAD: Okay.

17 MR. TAYLOR: If the Judge were to instruct you that  
18 defendant is presumed to be innocent, not because she's been  
19 charged, she's not presumed to have done anything, she's  
20 presumed to be innocent --

21 MS. LOFTHOUSE: Right.

22 MR. TAYLOR: -- would you honor that presumption that  
23 until we prove the case, we as the State prove her guilty,  
24 she's innocent?

25 MS. LOFTHOUSE: Yes.

1 MR. TAYLOR: Would you honor that?

2 MS. LOFTHOUSE: Uh-huh.

3 MR. TAYLOR: Okay.

4 THE COURT: Anything else?

5 MR. ZABRISKIE: Nothing further. Thanks.

6 THE COURT: Thank you very much.

7 (Ms. Lofthouse exits Judge's chambers)

8 THE COURT: Pass?

9 MR. PEAD: Yeah, pass for cause.

10 THE COURT: Mr. Zabriskie?

11 MR. ZABRISKIE: Pass for cause, your Honor.

12 THE COURT: Okay, thank you.

13 COURT CLERK: Just one thing I noted. Some people's

14 answers are head nods, and I don't know that we're necessarily

15 saying --

16 MR. TAYLOR: Making a record?

17 COURT CLERK: -- making a record.

18 THE COURT: Well, I try to watch that. I -- usually I

19 can hear them saying something. I mean, so -- um, I'm going

20 to call back Erica Gifford, tell her she can be released. Is

21 there any problem with that?

22 MR. ZABRISKIE: No, no problem with that.

23 COURT CLERK: No. 14 again?

24 THE COURT: What about 18, do we have any -- is there

25 some questions there?



1 (Ms. Gifford enters Judge's chambers)

2 THE COURT: Ms. Gifford, we're only calling you back to  
3 let you know that you have been allowed to be released today,  
4 and wanted to thank you for your being here and participating  
5 and being honest, No. 1. That's -- that goes a long ways, and  
6 you will now be removed from the juror's list for however long  
7 the cycle is; but I wanted you to know that we appreciate your  
8 presence and taking part in this today. So --

9 MS. GIFFORD: Thank you.

10 THE COURT: -- thank you.

11 MR. TAYLOR: Good luck.

12 MS. GIFFORD: Thank you.

13 (Ms. Gifford exits Judge's chambers)

14 MR. TAYLOR: Let's see, anything on 18? The only thing  
15 on 18 was No. 73, "Are you comfortable with being asked to sit  
16 in judgment on another person?" and said, "No."

17 THE COURT: Okay, go ahead.

18 MR. ZABRISKIE: My staff thinks she's old.

19 THE COURT: (Inaudible).

20 MR. ZABRISKIE: How old is she?

21 MS. HOWARD: She's not. Dean's offended because he's a  
22 year older. Dean's old, too. Thanks for embarrassing me.

23 MR. TAYLOR: He's just a young buck still.

24 MS. HOWARD: Hey sometimes (inaudible). Some people  
25 are a little smarter.

1 MR. TAYLOR: He's going to dock your pay.

2 MS. HOWARD: We've got to keep up with him.

3 (Ms. Headman enters Judge's chambers)

4 THE COURT: Good morning.

5 MS. HEADMAN: Good morning.

6 THE COURT: Is it Clea?

7 MS. HEADMAN: Clea, yes.

8 THE COURT: Clea Headman. All right, how are you today?

9 MS. HEADMAN: I'm good.

10

11 THE COURT: All right, Ms. Headman.

12 MS. HEADMAN: A little nervous.

13 THE COURT: I think we all are a little nervous today,

14 but anyway, responding in your questionnaire to No. 73, "Are

15 you comfortable with being asked to sit in judgment of another

16 person?" you checked, "No."

17 MS. HEADMAN: I really am not.

18 THE COURT: Okay.

19 MS. HEADMAN: But I have a hard time hearing, very

20 hard; and sometimes I don't understand what people are saying.

21 As far as judging people, it's just -- I just don't feel like

22 it's my place. I don't look at -- watch the news or anything,

23 and I'm almost 71 years old and my mind's not that sharp yet --

24 still. So I'm -- I don't know. It would be hard.

25 THE COURT: Okay.

1 MS. HEADMAN: I could do it, but it would be hard.

2 THE COURT: All right, any followup on that?

3 MR. PEAD: Okay, so with the seriousness of this case,  
4 are you saying that it would be difficult for you to sit in  
5 judgment of another individual with regard to the matters in  
6 this case?

7 MS. HEADMAN: Well, it depends on the case, yeah; but  
8 I've just never put myself in that place to judge anybody. I  
9 mean, I'm sorry, but I know it's a serious case.

10 MR. TAYLOR: Well, it's natural. I don't think anybody  
11 likes --

12 MS. HEADMAN: Right.

13 MR. TAYLOR: -- having to make difficult decisions that  
14 affect a lot of people; and in this case on both sides.

15 MS. HEADMAN: Yes.

16 MR. TAYLOR: Knowing that you've been summonsed for  
17 jury duty, would you be willing to follow the case, follow the  
18 evidence and apply the law as the Judge instructs you if you  
19 are selected?

20 MS. HEADMAN: Yes, I would, if I could hear.

21 MR. TAYLOR: Did you have any difficulty hearing what  
22 went on outside?

23 MS. HEADMAN: No, no, because of the speakers.

24 MR. TAYLOR: Okay.

25 MS. HEADMAN: But then-- but when we took that, I mean,

1 it was a lot of -- and I feel out of place. I'm uncomfortable  
2 because of my hearing, and it's embarrassing, and then I some-  
3 times I guess what they're saying, and I'm usually wrong. So  
4 if I could hear, I'm fine.

5 MR. TAYLOR: Okay.

6 MS. HEADMAN: I'm sorry.

7 THE COURT: In this case, however, where there is some  
8 importance to it --

9 MS. HEADMAN: Right.

10 THE COURT: -- if you weren't able to hear, you would  
11 be able to, you know, get out of that comfort zone and say,  
12 "I'm not hearing"?

13 MS. HEADMAN: I don't know if I could do that.

14 THE COURT: Uh-huh. All right.

15 MR. ZABRISKIE: Would it affect your judgment to know  
16 I'm older than you are?

17 MS. HEADMAN: Oh.

18 MR. ZABRISKIE: And this is my good ear.

19 MS. HEADMAN: Oh, well, this is my bad ear. I hear my  
20 pulse in my -- so it kind of breaks up words.

21 MR. ZABRISKIE: Yeah, this getting old is not all it's  
22 cracked up to be.

23 MS. HEADMAN: Oh, it's terrible. It's terrible when  
24 your golden years aren't golden.

25 MR. ZABRISKIE: Finally someone I identify with.

1 THE COURT: Anything else, then, Counsel?  
2 MR. PEAD: Nothing, your Honor.  
3 THE COURT: Thank you, ma'am, we appreciate it.  
4 MS. HEADMAN: Okay.  
5 (Ms. Headman exits Judge's chambers)  
6 COURT CLERK: We do have one listening device in the  
7 courthouse.  
8 THE COURT: Oh.  
9 COURT CLERK: It's like headphones. It amplifies it a  
10 lot. I've put them on.  
11 THE COURT: It sounded to me like she didn't want to be  
12 saying aloud --  
13 MR. TAYLOR: Yeah, and I think if you throw an earphone  
14 on her I think she's going to be more self-conscious.  
15 COURT CLERK: Yeah.  
16 THE COURT: Up to you guys, but --  
17 MR. ZABRISKIE: I think I would excuse her.  
18 MR. PEAD: I would excuse her, too.  
19 THE COURT: I'll stipulate, yeah. Okay, No. 19, Connie  
20 Thalman.  
21 MR. TAYLOR: That was Headman?  
22 THE COURT: Connie Thal -- yeah, that was -- 18 was  
23 Clea Headman. We stipulated to have her excused. Connie  
24 Thalman is 19. Any questions for her? Looks like her dad is  
25 an officer.

1 MS. HOWARD: Yeah.

2 THE COURT: Bring her back. Will you also bring back  
3 Ms. Headman (inaudible). That will be all right.

4 COURT CLERK: Do you want to do her first, Ms. Headman?

5 THE COURT: Yeah, you can do that.

6 MR. TAYLOR: We can excuse her.

7 COURT CLERK: Bring back Ms. Headman first, and then  
8 also Ms. Thalman.

9 (Ms. Headman enters Judge's chambers)

10 THE COURT: Ms. Headman.

11 MS. HEADMAN: Yes.

12 THE COURT: It's been agreed that you can be excused  
13 today from serving on the jury. I want you to know we appre-  
14 ciate you being here and taking part in the process. At least  
15 you understand the civic duty that you have, and I respect that  
16 as well --

17 MS. HEADMAN: Yes.

18 THE COURT: -- and for your honesty.

19 MS. HEADMAN: Thank you.

20 THE COURT: We sure appreciate it.

21 MS. HEADMAN: You're very nice people.

22 MR. TAYLOR: Thank you, ma'am.

23 THE COURT: Thank you.

24 MR. ZABRISKIE: Thanks.

25 (Ms. Headman exits Judge's chambers)

1 MR. ZABRISKIE: Now I question her judge of character.

2 THE COURT: All right, so for Connie Thalman --

3 (Ms. Thalman enters Judge's chambers)

4 THE COURT: Good morning.

5 MS. THALMAN: Good morning.

6 THE COURT: You are Connie Thalman?

7 MS. THALMAN: I sure am.

8 THE COURT: How are you doing today?

9 MS. THALMAN: I'm great. Thank you.

10 THE COURT: Good. Just following up on responses in

11 your questionnaire. First one, with regard to your father, is

12 it your father that's a police officer?

13 MS. THALMAN: Well, my father's like 81 now, but --

14 THE COURT: Okay, but --

15 MS. THALMAN: -- way back when for like a couple years

16 when I was a kid, just a little local -- I don't even know.

17 I think he was a peace officer and then they became police

18 officers and back --

19 THE COURT: Oh, all right, so he's 81 now?

20 MS. THALMAN: He is.

21 THE COURT: So growing up he was an officer while he

22 was pretty --

23 MS. THALMAN: Yeah, when I was a kid I remember a

24 couple of years he was.

25 THE COURT: All right, good.

1 MR. PEAD: Is there anything that -- involving this  
2 case with the death of a police officer that would give you  
3 stronger feelings one way or the other?

4 MS. THALMAN: No.

5 MR. PEAD: Would you be able to keep an open mind and  
6 listen to the evidence?

7 MS. THALMAN: Absolutely.

8 MR. PEAD: One of the things that you'll be hearing  
9 testimonies from other officers, and the Judge will instruct  
10 you with regards to that you shouldn't place any more weight --

11 MS. THALMAN: Absolutely.

12 MR. PEAD: -- or credence on the testimony of an  
13 officer. Are you willing to follow that?

14 MS. THALMAN: Absolutely, yes.

15 MR. PEAD: Okay, I didn't have anything else.

16 THE COURT: Okay, thank you.

17 MS. THALMAN: Okay, thank you.

18 MR. ZABRISKIE: Thanks.

19 (Ms. Thalman exits Judge's chambers)

20 THE COURT: Response?

21 MR. PEAD: Pass for cause.

22 MR. ZABRISKIE: Pass for cause.

23 THE COURT: Thank you. No. 20 was excused. Donald  
24 Chadwick, 21. Anything for Mr. Chadwick?

25 MR. PEAD: Yeah, he has arthritis and a hard time



1 sitting for a long time. If we could follow up on that.

2 THE COURT: Yes, sure. Let's see, let's go ahead and  
3 call back Mr. Chadwick, 21, Donald Chadwick.

4 (Several people speaking simultaneously. This portion  
5 unable to be transcribed.)

6 THE COURT: What number was that?

7 MR. ZABRISKIE: It's the last question, if he has  
8 conditions.

9 MS. HOWARD: Oh, 105 -- question 105.

10 THE COURT: Okay.

11 (Mr. Chadwick enters Judge's chambers)

12 THE COURT: Good morning, Mr. Chadwick.

13 MR. CHADWICK: Good morning.

14 THE COURT: How are you today?

15 MR. CHADWICK: Oh, not too bad.

16 THE COURT: Good. Please have a seat. Just following  
17 up on your responses in your questionnaire. We got to the last  
18 one and it says, "If selected as a juror --" well, no, that's  
19 not it. Let me think. Just in the explanation you said you  
20 have a problem sitting for long periods due to arthritis.

21 MR. CHADWICK: Right. If I sit very long then I have  
22 to have somebody help me get up.

23 THE COURT: I see. How long would you be able to sit  
24 there before you --

25 MR. CHADWICK: About an hour. Anything over an hour

1 then I start having problems.

2 THE COURT: Okay, so if we were to have recesses every  
3 hour, hour 15, hour and a half, you'd be okay, do you think?

4 MR. CHADWICK: Well, I'm not sure.

5 THE COURT: Okay, and do you have medication that you  
6 take for that as well or --

7 MR. CHADWICK: No, I don't have medication for that,  
8 but I have other medication for asthma.

9 THE COURT: I see. All right. All right, anything  
10 else?

11 MR. PEAD: So you'd say that if you sat for longer than  
12 that you would have to have someone help you up; is that --

13 MR. CHADWICK: Well, I would have problems getting back  
14 up after that.

15 MR. PEAD: Okay.

16 MR. CHADWICK: Like coming in here I had to pull myself  
17 up to get out of the chair I was sitting in.

18 THE COURT: Okay. All right, anything else?

19 MR. ZABRISKIE: You say -- I kind of identify with your  
20 problem here. Is it -- does your arthritis cause you -- when  
21 you're -- when you're not moving are you in any difficulty,  
22 pain or otherwise?

23 MR. CHADWICK: Well, I have pain all the time.

24 MR. ZABRISKIE: Uh-huh.

25 MR. CHADWICK: That just makes it so it's stiff and

1 trying to get back up out of it. Like you sit very long here,  
2 leg wants to go to sleep, it's not going to sleep, it's just  
3 getting immobile. So trying to get back in action takes a  
4 little effort.

5 MR. ZABRISKIE: Do you take medications for the pain?

6 MR. CHADWICK: The doctor hasn't come around to doing  
7 that. I just take the aspirin right now. I've got an appoint-  
8 ment to go see the doctor later on. To get an appointment with  
9 the VA it really takes a while.

10 MR. ZABRISKIE: That brings me to another question.  
11 You were in the military for twelve years?

12 MR. CHADWICK: Twenty-two years.

13 MR. ZABRISKIE: Twenty-two years. You're career. What  
14 branch of the service were you in?

15 MR. CHADWICK: Marine Corps.

16 MR. ZABRISKIE: No wonder you have arthritis. You  
17 retired some years ago?

18 MR. CHADWICK: In '77. I worked for the Army as a  
19 security guard for eleven years. I drove truck for about seven  
20 more years.

21 THE COURT: All right.

22 MR. ZABRISKIE: All right, thank you.

23 MR. CHADWICK: Now I just run a herd of goats.

24 MR. ZABRISKIE: You herd goats now?

25 MR. CHADWICK: I've got forty-two -- forty-five of

1 them, and two of them still bottle feeding. That's a problem.  
2 I feed them during the day, and they don't get -- if I feed  
3 them too early in the morning then they won't get out in the  
4 afternoon. If I feed them too late, then they won't get out  
5 in the morning. My pens not too strong to keep them in. If  
6 anybody knows goats, they're demolition experts.

7 MR. PEAD: Do you have anyone to feed the goats for you  
8 while you're --

9 MR. CHADWICK: Well, my wife will try, but she's not  
10 capable of doing it.

11 MR. PEAD: Okay.

12 MR. CHADWICK: None of the neighbors -- most of them  
13 hate goats. They're all in it for horses, and they don't want  
14 -- like goats.

15 THE COURT: Uh-huh.

16 MR. CHADWICK: They have nothing to do with them. In  
17 fact, one neighbor just next door to me, when they moved --  
18 built the house and moved into it, then they tried to have me  
19 get rid of the goats for the last five years. That's how well  
20 they like them.

21 MR. PEAD: Okay. All right, I don't have anything  
22 further.

23 MR. ZABRISKIE: I have a ton of questions, but they're  
24 not related.

25 THE COURT: All right, sir, thank you.

1 MR. CHADWICK: Thank you.

2 THE COURT: (Inaudible).

3 MR. CHADWICK: Just something to lean on.

4 THE COURT: Okay.

5 (Mr. Chadwick exits Judge's chambers)

6 THE COURT: Any reason why we can't stipulate to --

7 MR. ZABRISKIE: No, Judge.

8 COURT CLERK: I was wondering if before he sits if she

9 just wants to --

10 THE COURT: Yeah, he can be release -- or you stipulate

11 to him --

12 COURT CLERK: Oh, he just walked in the restroom. So

13 do you want to take the next one and then we can have him come

14 back.

15 THE COURT: We're stipulating, right?

16 MR. PEAD: The State stipulates.

17 THE COURT: Okay.

18 MR. ZABRISKIE: That's Donald Chadwick?

19 MR. TAYLOR: No. 20, yeah.

20 (Several people speaking simultaneously. This portion

21 unable to be transcribed.)

22 THE COURT: All right. (Inaudible) let him know when

23 he (inaudible). We have Harmon Hatch, 22.

24 MR. ZABRISKIE: Yeah, he has a friend who works for

25 Utah County Sheriff's Office. So you might want to make

1 inquiry there.

2 THE COURT: Okay.

3 (Mr. Hatch enters Judge's chambers)

4 THE COURT: Good morning. You're Harmon Hatch? Thank  
5 you for being here, sir. Have a seat. How are you today?

6 MR. HATCH: Pretty well.

7 THE COURT: Good. Just following up on your responses  
8 in your questionnaire, we got to No. 60 -- 60, I guess, "Do you  
9 have relatives or close friends who now work or who have in the  
10 past worked for any law enforcement agencies?" You checked,  
11 "Yes," and you said, "What agency?" "Utah County Sheriff's  
12 Office." "What is the person's name?" "David Knowles." He's  
13 your friend. Could you elaborate a little bit more on the  
14 relationship you have with Mr. Knowles and -- does he still --

15 MR. HATCH: We worked -- I work with the Juvenile Court  
16 system.

17 THE COURT: Okay.

18 MR. HATCH: Fourth District here, Provo, with the  
19 district for almost 38 years.

20 THE COURT: Uh-huh.

21 MR. HATCH: So I got to know quite a few members with  
22 the sheriff's office.

23 THE COURT: Deputies and that kind of thing?

24 MR. HATCH: Uh-huh, various police departments, of  
25 course.

1 THE COURT: Okay.

2 MR. HATCH: I mentioned him because for a number of  
3 years we've been ordinance workers at the Mount Timpanogos  
4 Temple together.

5 THE COURT: Okay.

6 MR. HATCH: He's done work for me as a -- in my home.  
7 Close friends.

8 THE COURT: Okay, what did you do at the Juvenile  
9 Court?

10 MR. HATCH: Supervised probation.

11 THE COURT: I see.

12 MR. HATCH: (Inaudible) officers.

13 THE COURT: How long ago was that; did you retire from  
14 the State?

15 MR. HATCH: I'm retired about seven years.

16 THE COURT: Seven years, okay. All right, followup?

17 MR. PEAD: So did you serve as a probation officer  
18 also with regards to -- before you became a supervisor?

19 MR. HATCH: Initially, yes.

20 MR. PEAD: How long did you serve as a probation  
21 officer?

22 MR. HATCH: Probably ten years.

23 MR. PEAD: Okay, so I just want to follow up with  
24 regards to question No. 84. In spite of your -- I might mean  
25 because of your experiences in the Juvenile Court system --

1 question No. 84 says, "Meagan Grunwald was 17 years old when  
2 those crimes were allegedly committed. Do you have an opinion  
3 as to whether a minor should be charged as an adult with such  
4 serious crimes based on --" and you put "No" with regards to  
5 that. Based on your experience as a probation officer and  
6 working in the juvenile system, do you have any further  
7 thoughts on that?

8 MR. HATCH: No, I think that issues are taken into  
9 account by those who are in a position to do that and make  
10 those decisions. I've never really had any feelings.

11 MR. PEAD: So you don't have an opinion one way or  
12 another or --

13 MR. HATCH: Right.

14 MR. PEAD: Okay, that you'd -- you leave it up -- what  
15 you're saying, if I understand, you leave it up to the people  
16 who are charging or --

17 MR. HATCH: (Inaudible).

18 MR. PEAD: -- making those decisions with regard to  
19 that?

20 MR. HATCH: (No verbal response).

21 MR. PEAD: Okay.

22 MR. HATCH: That's correct.

23 MR. TAYLOR: Would that apply similarly to the standards  
24 we have here? Because from the Juvenile Court your standard  
25 was the best interest of the child only, correct?



1 MR. HATCH: Hopefully, yes.

2 MR. TAYLOR: In a criminal case it's a question of  
3 guilt or innocence. So you think that your experience in  
4 Juvenile Court would affect your approach to this case in any  
5 way, or do you think that you would just take the facts for  
6 what they are, apply the law, then render what verdict you  
7 think is appropriate?

8 MR. HATCH: The latter.

9 MR. TAYLOR: Okay.

10 THE COURT: Okay, anything --

11 MR. ZABRISKIE: I have just a few questions. I -- in  
12 this case were you acquainted with Sergeant Wride? He used to  
13 be -- was a bailiff out at juvenile hall.

14 MR. HATCH: Wride?

15 MR. ZABRISKIE: Uh-huh.

16 MR. HATCH: I recognize the name. I can't picture that  
17 person.

18 MR. ZABRISKIE: He may not have been -- let's see, you  
19 retired seven years ago?

20 MR. HATCH: About that.

21 MR. ZABRISKIE: I can't recall if he was out there or  
22 not then. Do you guys know? Did you -- did you have any --  
23 working with kids is not always an endearing experience. Did  
24 you have any -- have any negative feelings about young people  
25 or --

1 MR. HATCH: No, I -- you get into that line of work  
2 because you feel like you can do some good. You like youth,  
3 appreciate their --

4 MR. ZABRISKIE: Uniqueness?

5 MR. HATCH: -- yes, and their concerns and all that. I  
6 might say that I was the only probation officer and after that  
7 for all those years who, that I can think of, who kept his name  
8 in the phone book. I never had any reprisals, never had any  
9 concerns. I think that the way you treat people goes a long  
10 ways in how they treat you. I never had any worries.

11 Most people, my colleagues, always seemed to be  
12 concerned about that, seemed to be very secretive as far as  
13 having their name out there, phone books and whatnot. I never  
14 had any concerns along those lines. I never had any problems.  
15 So I like kids. You get into supervision/administration because  
16 your starting to raise your own kids and paying mortgages and  
17 those things, looking for a little more in the way of remuner-  
18 ation, but anyway.

19 THE COURT: Thank you.

20 MR. PEAD: Nothing further. Thank you.

21 THE COURT: So were you over here in Provo at the  
22 Juvenile Court there on the --

23 MR. HATCH: Yeah, on the --

24 THE COURT: -- (inaudible) Springville?

25 MR. HATCH: -- on State Street, you're talking about?

1 THE COURT: Yeah.

2 MR. HATCH: Yes, after it was built or --

3 THE COURT: Okay.

4 MR. HATCH: -- my first office was -- you know where  
5 the Reed Smoot home is there in Provo?

6 THE COURT: Uh-huh, yeah.

7 MR. HATCH: The Court was there. Judge Hermansen was  
8 the Judge. Back then we had a couple of referees along with  
9 Judge Hermansen.

10 THE COURT: Yeah.

11 MR. HATCH: I have one concern --

12 THE COURT: Okay.

13 MR. HATCH: -- that I'd like to address. It didn't  
14 dawn on me until this morning, waiting upstairs. In question  
15 76, I do have some issues regarding prostate health and that  
16 sort of thing.

17 THE COURT: Okay.

18 MR. HATCH: I'd hate to interrupt proceedings an  
19 inordinate number of times --

20 THE COURT: Yeah.

21 MR. HATCH: -- because of the residual effects of --  
22 with that. There's no one in this room really to -- maybe  
23 Brother -- or Mr. Zabriskie may be aware of those concerns.  
24 I appreciate that, but --

25 THE COURT: About how long would you have in between?

1 MR. HATCH: Well, three times so far this morning since  
2 I've been here in the building.

3 THE COURT: Okay.

4 MR. TAYLOR: Same boat as me and Mr. Zabriskie, it  
5 sounds like.

6 MR. ZABRISKIE: Yeah, prostate is one of the main --

7 MR. HATCH: So I'd say it goes with the territory.

8 THE COURT: If you were chosen --

9 MR. HATCH: Pushing 76.

10 THE COURT: -- you would not be afraid, if that's part  
11 of what we have to do is accommodate. So anything else?

12 MR. HATCH: No.

13 THE COURT: All right, thank you.

14 MR. HATCH: You bet.

15 MR. PEAD: Thank you.

16 (Mr. Hatch exits Judge's chambers)

17 COURT CLERK: Mr. --

18 THE COURT: Chadwick?

19 COURT CLERK: Yes.

20 MR. ZABRISKIE: Pass for cause?

21 MR. PEAD: Yeah, pass for cause, yes.

22 (Mr. Chadwick enters Judge's chambers)

23 THE COURT: Mr. Chadwick, after hearing your responses  
24 and concerns in the questionnaire, you're excused today from  
25 having to serve. I wanted to call you back and say thank you

1 very much for being here and taking part. I really appreciate  
2 having you here. You're a very candid person. Honestly we  
3 can't ask for more than that.

4 MR. CHADWICK: Thank you.

5 THE COURT: Thank you.

6 MR. PEAD: Thank you.

7 (Mr. Chadwick exits Judge's chambers)

8 THE COURT: What did we do with Hatch? Are we passing?

9 MR. TAYLOR: We'd pass for cause.

10 MR. PEAD: Yes.

11 THE COURT: Mr. Zabriskie, passing?

12 MR. ZABRISKIE: Yes.

13 THE COURT: Okay, so Bernard Wakefield is 30 -- or 23.

14 Questions for Mr. Wakefield?

15 MR. ZABRISKIE: Yeah, just No. 99. You probably have  
16 the same question, huh?

17 MR. PEAD: Well, and No. 90, too.

18 MR. ZABRISKIE: Oh, yeah.

19 MR. PEAD: Cammi Buhman.

20 THE COURT: Okay, Bernard Wakefield, 23. So 90 and 93,  
21 you say?

22 MR. PEAD: Yeah, starting with 90, Jeff Buhman's wife.  
23 Probably doesn't know her super well. Her name is Cammi, but  
24 anyways.

25 MR. TAYLOR: Probably has an inside scoop, who would

1 want this guy.

2 (Mr. Wakefield enters Judge's chambers)

3 THE COURT: Mr. Wakefield.

4 MR. WAKEFIELD: Yes.

5 THE COURT: Good morning. How are you?

6 MR. WAKEFIELD: I'm well.

7 THE COURT: Good. We're just following up on responses  
8 in your questionnaire --

9 MR. WAKEFIELD: Okay.

10 THE COURT: -- and got to No. 90, and it says, "Have  
11 you had any contact with any person whom you understand had  
12 or has some involvement in this case?" and you put, "Very  
13 indirectly," but you did check "Yes," and "Buhman."

14 MR. WAKEFIELD: Jeff Buhman.

15 THE COURT: Okay, do you want to follow up on that a  
16 little bit more or --

17 MR. WAKEFIELD: I can. I just thought I should be  
18 transparent. My wife --

19 THE COURT: Okay.

20 MR. WAKEFIELD: -- teaches aerobics three days a week.  
21 Jeff Buhman's wife goes to that class.

22 THE COURT: I see.

23 MR. WAKEFIELD: So on occasion they talk.

24 THE COURT: Okay.

25 MR. WAKEFIELD: Ms. Buhman has never -- I don't think

1 she actually says a whole lot because she doesn't know a lot  
2 about them, but she is Jeff Buhman's wife.

3 THE COURT: That's helpful. Thank you.

4 MR. WAKEFIELD: Okay.

5 THE COURT: Do you want to follow up on her?

6 MR. PEAD: Any reason because of that relationship or  
7 that interaction that you would be more inclined to believe the  
8 State as opposed to defense Counsel, or would you be willing to  
9 be open?

10 MR. WAKEFIELD: No, I don't think so. No, I would be--

11 THE COURT: Open minded?

12 MR. WAKEFIELD: -- I would be open minded. I just felt  
13 that I should say something.

14 THE COURT: Wanted to note that. Okay, thank you.

15 MR. PEAD: Okay, and maybe I could just follow up,  
16 Judge, if that's okay.

17 THE COURT: Sure.

18 MR. PEAD: On question No. 91 it says, "Do you feel you  
19 would be more inclined to believe the testimony of a police  
20 officer than the testimony of other witnesses?" and you put  
21 "Yes." Could you please expand a little bit what your thoughts  
22 are with regards to that?

23 MR. WAKEFIELD: I think it would depend on the --  
24 actually I don't know if I should have checked "yes" or not.

25 MR. PEAD: Okay.

1           MR. WAKEFIELD: I think it depends on who they are; and  
2 if I believe that they're a reliable witness --

3           MR. PEAD: Okay, so if the Judge instructs you that  
4 you can't give any more credence or believability to a police  
5 officer merely because the fact --

6           MR. WAKEFIELD: Yeah.

7           MR. PEAD: -- that the-- because he's a police officer,  
8 would you be able to abide by that instruction and then just to  
9 judge --

10          MR. WAKEFIELD: Yes, I think I would.

11          MR. PEAD: Okay.

12          MR. WAKEFIELD: Sure.

13          MR. PEAD: Okay, and then question No. 94 it says,  
14 "Do you believe that you would be less inclined to believe the  
15 statement or testimony of a person accused of a crime than the  
16 testimony of other witnesses simply because he has been charged  
17 with a crime?" and you put "Yes" on that one. So going back to  
18 the same way, did you intend to mark that as yes?

19          MR. WAKEFIELD: I don't think I did.

20          MR. PEAD: Okay.

21          MR. WAKEFIELD: I'm sorry.

22          MR. PEAD: So just to follow up with regards to that,  
23 so you're willing to -- just because an individual is charged  
24 with a crime, and if that individual were to testify or to --

25          MR. WAKEFIELD: Uh-huh.



1           MR. PEAD: -- you wouldn't give that person any less  
2 or more credibility just because they had been charged with a  
3 crime?

4           MR. WAKEFIELD: No, I've had enough experience to know  
5 that just because you're charged doesn't mean you're guilty.

6           MR. PEAD: Okay, so you're -- you're willing to --

7           MR. WAKEFIELD: Just because you're not doesn't mean  
8 that you are, you know. It's -- you have to -- you have to  
9 hear it out.

10          MR. PEAD: So what experience is that, with regards to  
11 just hearing people -- have you ever --

12          MR. WAKEFIELD: Oh, I've been an administrator at a  
13 university --

14          MR. PEAD: Okay.

15          MR. WAKEFIELD: -- for eleven years. So there are two  
16 sides --

17          MR. PEAD: Two sides to every story.

18          MR. WAKEFIELD: -- to every story. Always. Always.

19          MR. PEAD: Then question No. 99, "Does the mere fact  
20 that Meagan Grunwald was charged with these crimes to you --  
21 crimes, cause you to believe that she is probably guilty?" and  
22 you put "Yes."

23          MR. WAKEFIELD: Well, I would ass -- I would think that  
24 if a person has been arrested in this circumstance, they may be  
25 guilty of something, yes.

1 MR. PEAD: Okay.

2 MR. WAKEFIELD: Just because I don't think a policeman  
3 would arrest somebody unless they felt that there was a cause.

4 MR. PEAD: The Judge will instruct you that Ms. Grunwald  
5 is -- there's a presumption of innocence at this point, and  
6 that she is presumed --

7 MR. WAKEFIELD: I understand that, yes.

8 MR. PEAD: Do you accept that, that she is presumed  
9 innocent?

10 MR. WAKEFIELD: Yes, I accept that.

11 MR. PEAD: That the State would have to prove beyond a  
12 reasonable doubt otherwise?

13 MR. WAKEFIELD: I understand that, yes.

14 MR. PEAD: Are you willing to follow that?

15 MR. WAKEFIELD: Yes, of course.

16 MR. PEAD: Okay, okay.

17 MR. WAKEFIELD: Yes.

18 MR. PEAD: I didn't have any other questions.

19 THE COURT: Anything, Mr. Zabriskie?

20 MR. ZABRISKIE: Are you related to Rob Wakefield?

21 MR. WAKEFIELD: You have to go back to Ireland. It's a  
22 Y zone. It's many generations. I think all the Wakefields are  
23 related.

24 MR. ZABRISKIE: He's -- in fact, I think he still  
25 teaches (inaudible).

1           MR. WAKEFIELD: I think he's (inaudible). I think  
2 (inaudible) for years, and I don't know what he did up there.  
3 I know the name. I've gotten mail for him.

4           MR. TAYLOR: Can I just ask, what do you teach at BYU?

5           MR. WAKEFIELD: I direct the ballroom dance company --

6           MR. TAYLOR: Okay.

7           MR. WAKEFIELD: -- at BYU.

8           MR. TAYLOR: Okay. Okay. All right.

9           MR. ZABRISKIE: How long have you done that?

10          MR. WAKEFIELD: Thirty-five years.

11          MR. ZABRISKIE: Did you direct Tom Patton?

12          MR. WAKEFIELD: Yes, I remember Tom Patton.

13          MR. ZABRISKIE: He was my -- my partner. That doesn't  
14 -- you don't bear me any malice or --

15          MR. WAKEFIELD: No, I -- no, no, I've had about a  
16 thousand students that I've taught, so --

17          MR. ZABRISKIE: I understand. Okay, I ask in jest.

18          MR. WAKEFIELD: Actually, no. Tom Patton -- no, no.  
19 Tom -- no, that was Tom (Inaudible). Tom Patton was -- he's  
20 probably a little older than I am; is that close?

21          MR. ZABRISKIE: Pretty close.

22          MR. WAKEFIELD: He was on the company a year or two  
23 before I actually started, actually.

24          MR. ZABRISKIE: He used to brag about how graceful he  
25 was. I was going to --

1 MR. WAKEFIELD: He probably was.

2 MR. ZABRISKIE: -- see if you had any insight into his  
3 misrepresentation. He's also a Judge here now, so --

4 MR. WAKEFIELD: Oh, is he really?

5 MR. ZABRISKIE: Yes, he is. So I'll tell him you spoke  
6 highly of him. It may not be him.

7 THE COURT: Anything else?

8 MR. TAYLOR: One other question. You have a son who  
9 works in law enforcement --

10 MR. WAKEFIELD: I do.

11 MR. TAYLOR: -- in some capacity.

12 MR. WAKEFIELD: Uh-huh.

13 MR. TAYLOR: Do you want to tell us a little bit about  
14 that?

15 MR. WAKEFIELD: It's my oldest son. He started in  
16 the border patrol, U. S. Border Patrol. He now works for ICE  
17 in Phoenix. He has a team, I think, that he had -- that he  
18 manages. They deal mostly with drugs, drug enforcement. I  
19 didn't put on the questionnaire, I realized after this, but  
20 on the -- the week following the conclusion of this trial  
21 he's getting married to another person in another area of law  
22 enforcement. So that will be -- my future daughter in law will  
23 be in -- is in law enforcement also.

24 MR. ZABRISKIE: May I follow up with that?

25 THE COURT: Sure.

1           MR. ZABRISKIE: Certainly you realize that the primary  
2 subject of these proceedings is a now deceased police officer?

3           MR. WAKEFIELD: Uh-huh.

4           MR. ZABRISKIE: And another police officer that has  
5 been injured.

6           MR. WAKEFIELD: Right.

7           MR. ZABRISKIE: Does that affect your judgment, knowing  
8 that your son is in harm's way on occasion?

9           MR. WAKEFIELD: I don't think so, because I think we  
10 have to have a basic belief that people are -- just because  
11 they have this job in law enforcement doesn't mean that they  
12 can't be a bad person. There's a -- there are --

13           MR. ZABRISKIE: I (inaudible) --

14           MR. WAKEFIELD: -- I've seen so much good and so much  
15 bad from --

16           MR. ZABRISKIE: There will be no -- a mistrial, not  
17 that I'm aware of -- there will be no efforts in any way to  
18 criticize law enforcement. The only thing I'm concerned about  
19 is that we do have a dead police officer, but that is not,  
20 nor will it be the source of any blame as it relates to law  
21 enforcement.

22           MR. WAKEFIELD: No, I --

23           MR. ZABRISKIE: Okay, I just want to make that clear,  
24 because that's not --

25           MR. WAKEFIELD: -- I understand, and I would -- I would

1 think you should ask that probably.

2 MR. ZABRISKIE: Thank you.

3 THE COURT: Anything else?

4 MR PEAD: Nothing from us.

5 THE COURT: Thank you, Mr. Wakefield.

6 MR. ZABRISKIE: Thank you very much, Mr. Wakefield.

7 (Mr. Wakefield exits Judge's chambers)

8 MR. PEAD: Pass for cause.

9 THE COURT: Pass, Mr. Zabriskie?

10 MR. ZABRISKIE: I pass for cause.

11 THE COURT: Okay. No. 24, Trista Lawrence and 25,  
12 Holly Rubert have been excused. So you can bring them back.

13 COURT CLERK: Do you want them called back at the same  
14 time?

15 THE COURT: One at a time.

16 COURT CLERK: Okay.

17 THE COURT: We'll be looking at 24, then --

18 MR. ZABRISKIE: No. 26, as well.

19 THE COURT: -- then 27.

20 MR. ZABRISKIE: Oh.

21 THE COURT: No. 26 is excused.

22 MR. ZABRISKIE: Yeah.

23 THE COURT: So we'll look at 27 as the next one.

24 (Several people speaking simultaneously. Unable to  
25 transcribe this portion.)

1 (Ms. Lawrence enters Judge's chambers)

2 THE COURT: Good morning, Ms. Lawrence.

3 MS. LAWRENCE: Yes.

4 THE COURT: All right, it's been agreed that you can  
5 be excused today from serving on the jury. Wanted to bring you  
6 back and say thank you once again for being here and for being  
7 a responsible citizen and coming and at least taking part. You  
8 will be removed from the juror's list until the next time it  
9 comes about; but again, thank you very much for being here, and  
10 we do appreciate your response, so --

11 MS. LAWRENCE: You bet.

12 THE COURT: -- thank you.

13 MS. LAWRENCE: Thank you, too.

14 (Ms. Lawrence exits Judge's chambers)

15 (Ms. Rubert enters Judge's chambers)

16 THE COURT: Good morning. You're Holly Rubert?

17 MS. RUBERT: Yes.

18 THE COURT: Ms. Rubert, as well, it's been agreed that  
19 you can be excused today from serving on the jury. I wanted  
20 to let you know how much we appreciate your being here and your  
21 willingness to take part in what is difficult sometimes; but  
22 again, thank you. You'll be taken off the juror's list until  
23 another cycle comes through if that ever happens. But thank  
24 you very much, okay?

25 MS. RUBERT: Thank you.

1 (Ms. Rubert exits Judge's chambers)

2 THE COURT: No. 27, Orvan Benham.

3 MR. PEAD: I'm looking at No. 94.

4 THE COURT: Okay, Mr. Benham, 27?

5 COURT CLERK: No. 27, uh-huh; 94, okay.

6 (Mr. Benham received into evidence)

7 THE COURT: Good morning, Mr. Benham. Please have a  
8 seat. How are you today?

9 MR. BENHAM: Good.

10 THE COURT: Just following through with responses on  
11 your questionnaire, if that's all right. Looking at No. 94.  
12 The question was, "Do you feel that you would be less inclined  
13 to believe the statement or testimony of a person accused of a  
14 crime than the testimony of other witnesses simply because he  
15 has been charged with a crime?" Then you had checked, "Yes."  
16 Did you understand the question or was it -- do you want me to  
17 try that again?

18 MR. BENHAM: Yeah, read it one more time, sorry.

19 THE COURT: All right. The question was, "Do you feel  
20 that you would be less inclined to believe the statement or  
21 testimony of a person accused of a crime than the testimony  
22 of other witnesses simply because he has been charged with a  
23 crime?"

24 MR. BENHAM: No, I must have misunderstood that ques --  
25 just because they've been accused of a crime, not because -- I



1 guess I misunderstood what it was --

2 THE COURT: It's kind of a tough question.

3 MS. HOWARD: Uh-huh.

4 MR. PEAD: I know. We realize that once we get the  
5 questionnaire out, how poorly some of these questions are  
6 written by me. So --

7 MR. BENHAM: And it -- well, I --

8 THE COURT: Did you want to follow up on that?

9 MR. PEAD: No, so I guess that the --

10 MR. BENHAM: I understand someone-- I'm sorry, I under-  
11 stand someone's innocent until they're, you know --

12 MR. PEAD: Thank you, and I guess that that would be  
13 the -- there is a presumption of innocence.

14 MR. BENHAM: Right.

15 MR. PEAD: And you would be willing to follow that?

16 MR. BENHAM: Right, correct.

17 MR. PEAD: And that just because they're merely accused  
18 of a crime doesn't mean that they're guilty.

19 MR. BENHAM: Right. There's been lots of situations, I  
20 imagine.

21 MR. PEAD: Okay. Okay, that's all I have.

22 THE COURT: That's all? Mr. Zabriskie?

23 MR. ZABRISKIE: I'll ask one question. You have a  
24 cousin who's in law enforcement in Arizona?

25 MR. BENHAM: Right, right, my cousin's a Highway Patrol-

1 man in Arizona.

2 MR. ZABRISKIE: Okay, do you stay in close contact with  
3 that cousin?

4 MR. BENHAM: He comes up -- he comes up probably every  
5 two or three years. He's divorced and he brings his kids up  
6 and we hang out, but you know, every couple years he comes up.

7 MR. ZABRISKIE: Okay, (inaudible).

8 MR. BENHAM: He's not a patrolman anymore. He's been  
9 one for almost 20 years, though.

10 MR. ZABRISKIE: Okay, and your relationship with him,  
11 will that -- recognizing that this case deals with victims who  
12 are in law enforcement --

13 MR. BENHAM: Right, right.

14 MR. ZABRISKIE: -- will that impact your judgment here?

15 MR. BENHAM: No, I -- you also see that I work for the  
16 City.

17 MR. ZABRISKIE: Uh-huh.

18 MR. BENHAM: I work for Sandy City, so I -- I see the  
19 good and bad when it comes to police officers and what they  
20 deal with and whatnot, the accident reports and -- I'm on the  
21 accident committee and things. So I understand that they're  
22 not perfect.

23 MR. ZABRISKIE: You're an engineer?

24 MR. BENHAM: Yes.

25 MR. ZABRISKIE: In that capacity is that what you do

1 for the City?

2 MR. BENHAM: Right, I'm the Engineering Manager for  
3 Public Utilities in Sandy City.

4 MR. ZABRISKIE: I see, but you fight for the elected  
5 who live in Utah County?

6 MR. BENHAM: Yeah, I had the job before I got the job  
7 in Sandy -- or I had -- I lived in Utah County before I took  
8 the job with Sandy City. I loved working there. It was a good  
9 place to live.

10 MR. ZABRISKIE: Thank you.

11 MR. TAYLOR: I have no other --

12 THE COURT: Thanks. Okay, sir, that's all. Thank you.

13 (Mr. Benham exits Judge's chambers)

14 MR. TAYLOR: Pass for cause.

15 MR. ZABRISKIE: Yeah, pass for cause.

16 THE COURT: Okay, Eva Knox is 28.

17 MR. ZABRISKIE: Yeah, we need to ask her some questions  
18 regarding 77, at least.

19 THE COURT: Okay.

20 MR. TAYLOR: Judge, if I may borrow your pen. I've got  
21 to get more ink.

22 (Ms. Knox enters Judge's chambers)

23 THE COURT: Good morning, Ms. Knox.

24 MS. KNOX: Hello.

25 THE COURT: How are you today?

1 MS. KNOX: I'm doing well. Thank you.

2 THE COURT: Okay, good. We're just following up on  
3 responses that you made in your questionnaire. We'll start  
4 with No. 77. It says, "Have you read, seen or heard any news  
5 reports, articles or information relating to the matter?" and  
6 you put, "Yes." "If so, explain." You put, "My neighbor is  
7 Cory Wride's sister. I saw news reports on TV of Officer  
8 Wride's death." "Have you expressed an opinion?" You did  
9 put, "No." Do you want to elaborate a little bit more on that,  
10 or your feelings?

11 MS. KNOX: I think really the only reason I know any-  
12 thing about the case or Cory Wride at all is because he is my  
13 neighbor's sister, and so there was comments made at church  
14 and in the neighborhood about that; but I am not close to my  
15 neighbor, so I don't have any personal feelings towards her.

16 THE COURT: It's just kind of something you wanted to  
17 let us know?

18 MS. KNOX: Right, right.

19 THE COURT: Okay. All right.

20 MR. ZABRISKIE: Is there-- if I could follow up, Judge.

21 THE COURT: Yes.

22 MR. ZABRISKIE: Is there anything about her being your  
23 neighbor that would make you feel a pressure or some kind of  
24 undue influence to see what some might perceive as justice done  
25 in this case --

1 MS. KNOX: Right.

2 MR. ZABRISKIE: -- or something like that?

3 MS. KNOX: I considered that a lot, and because I'm not  
4 close to her it wouldn't influence my ability to be impartial  
5 because we aren't close.

6 MR. TAYLOR: Okay, so if you saw her in Court is she --  
7 I don't know whether she's going to attend or not --

8 MS. KNOX: Uh-huh.

9 MR. TAYLOR: -- but if she did attend, would that --

10 MS. KNOX: I don't think that would affect my judgment.

11

12 MR. TAYLOR: Okay.

13 MR. ZABRISKIE: You also remarked that you had, I think,  
14 a brother and sister who are both involved in law enforcement.  
15 What are your feelings about their involvement, without being  
16 too personal, but in relation to the criminal justice system?

17 MS. KNOX: These both happened out of state. I'm not  
18 -- I wasn't very close. Honestly I think they deserved what  
19 they got because I -- my brother was brought in on charges that  
20 he absolutely committed and he did his jail time for them. I  
21 think that was appropriate in his case to --

22 MR. ZABRISKIE: Okay, do you have any feelings either  
23 positively or negatively towards the system as a result of  
24 that?

25 MS. KNOX: No. Mostly because I wasn't involved in

1 most of what was happening. So I don't know the proceedings,  
2 you know. I know what happened and what happened after that.

3 MR. ZABRISKIE: My understanding is you work in social  
4 work?

5 MS. KNOX: I got my degree in social work.

6 MR. ZABRISKIE: Okay, so you're -- is it an MSW or a --

7 MS. KNOX: Just a BSW.

8 MR. ZABRISKIE: -- BSW? Okay. Obviously when we work  
9 in -- when people work in the social sciences sometimes there  
10 is this emphasis on rehabilitation and helping people through  
11 their problems. Is there anything from your education that  
12 would make you want to see some kind of rehabilitation or  
13 questioning the system and how it deals with young people who  
14 may or may not be involved in crimes, as opposed to looking at  
15 the evidence, following the law, and rendering a verdict that  
16 you think is appropriate?

17 MS. KNOX: I think I -- let me think how to answer  
18 that. I'm more interested in following the law and obeying  
19 what the law is than what my personal feelings are. I got into  
20 social work to work with foster children. I haven't worked in  
21 it since I graduated in it. I wasn't involved in any sort of  
22 judgments, legal decisions at that point. So I think I'm more  
23 concerned with following the letter of the law than I am with  
24 my own personal feelings of rehabilitation. I believe people  
25 can be rehabilitated, if that's --

1 MR. ZABRISKIE: Sure.

2 MS. KNOX: -- a question.

3 MR. ZABRISKIE: Thank you.

4 MR. TAYLOR: Just a followup question with your --  
5 regarding your neighbor. Does she have children the same age  
6 as your children?

7 MS. KNOX: She does.

8 MR. TAYLOR: Okay, do your children play together?

9 MS. KNOX: No.

10 MR. ZABRISKIE: When you say "neighbor," is this -- do  
11 you share a fence or is this --

12 MS. KNOX: We do share a fence.

13 MR. ZABRISKIE: How long have you lived --

14 MS. KNOX: We have lived there for five years.

15 MR. ZABRISKIE: As they have?

16 MS. KNOX: Uh-huh, they've been there longer.

17 MR. ZABRISKIE: You don't socialize excepting go to the  
18 same --

19 MS. KNOX: Schools.

20 MR. ZABRISKIE: How about ward, church, things like --

21 MS. KNOX: Same church and ward, but we haven't had  
22 any interacting callings. We haven't -- in five years I've  
23 probably spoken to her three times.

24 MR. ZABRISKIE: So it's actually Sergeant Wride's  
25 sister, then?

1 MS. KNOX: Correct.

2 MR. ZABRISKIE: Is she married?

3 MS. KNOX: Uh-huh.

4 MR. TAYLOR: How did you come about discovering the  
5 relationship between her and Cory Wride?

6 MS. KNOX: She has a big bumper sticker on her car in  
7 honor of him, and I don't even remember how -- I don't remember  
8 how exactly it started that I knew.

9 MR. TAYLOR: Is this something -- have other neighbors  
10 discussed this case with you at all?

11 MS. KNOX: No.

12 MR. TAYLOR: Have you had opportunity to discuss it  
13 with any neighbors?

14 MS. KNOX: Uh-uh.

15 MR. ZABRISKIE: During -- I'm sorry, we don't mean to--

16 MS. KNOX: You're fine.

17 MR. ZABRISKIE: -- drill you (inaudible). During your  
18 time there did you ever have the occasion to meet Sergeant  
19 Wride?

20 MS. KNOX: Uh-uh.

21 MR. ZABRISKIE: Ever see him at the house?

22 MS. KNOX: Not that I know of.

23 MR. ZABRISKIE: I see.

24 MS. KNOX: There -- our backyards connect, so we don't  
25 ever see the front of each other's houses.



1           THE COURT: Is your husband friends with either your  
2 neighbor or her husband?

3           MS. KNOX: Uh-uh. I mean, friendly, cordial, hi, wave  
4 as you drive by, but not -- I'm sure he's spoken to them less  
5 than I have.

6           MR. ZABRISKIE: Thank you.

7           MR. TAYLOR: Thanks.

8           MS. KNOX: All right.

9           THE COURT: Anything? Okay, thank you.

10          MS. KNOX: Thanks.

11          THE COURT: Appreciate that.

12          (Ms. Knox exits Judge's chambers)

13          THE COURT: With regard to Ms. Knox?

14          MR. ZABRISKIE: I would challenge for cause just  
15 because the relationship with her and her neighbor. I think  
16 there's too much of a concern of how it could impact things if  
17 there is a disagreeable verdict, and that, although she didn't  
18 state it, could put pressure on her to find in favor of the  
19 State.

20          MR. TAYLOR: Kind of an abstraction, too, because she  
21 doesn't necessarily have to be close to her sister -- to the  
22 sister to not feel the community sympathy. I mean, you go to  
23 the same ward. I'm sure it's been the topic of conversation.  
24 This -- this -- her professed kind of indifference, almost  
25 distance from the neighbor kind of belies just the common

1 human experience. Unless there's animosity, I couldn't quite  
2 put my finger on it, but there's something there that bothers  
3 me.

4 MR. ZABRISKIE: Well, I felt like she answered all the  
5 questions well.

6 MR. TAYLOR: Yeah.

7 MR. ZABRISKIE: The question is kind of is there a way  
8 to escape that, and I don't know. I mean, I think we're all  
9 kind of remarking. My neighbor in back of me, I don't even  
10 know his first name, but we'll submit.

11 MR. PEAD: Yeah.

12 MR. TAYLOR: We don't know that this neighbor may be  
13 sitting here and showing emotional responses to evidence as  
14 it's presented, and there's just too much of a risk of --

15 MR. ZABRISKIE: Yeah.

16 MR. TAYLOR: --of bias resulting from the relationship.

17 THE COURT: I'll just challenge. I kind of feel the  
18 same way.

19 MR. ZABRISKIE: It's just a-- she -- every -- I thought  
20 her answer -- I thought her answers were Johnny on.

21 MR. TAYLOR: There was a little bit of inconsistency  
22 with -- I agree, there was almost an inconsistency with what  
23 she's saying and --

24 MR. ZABRISKIE: Yeah, and a substantial number of the  
25 Wride family is going to be in Court, if you believe what the

1 sound bites are. As soon as they make eye contact, I just  
2 don't want to see her brain go south.

3 COURT CLERK: Do you want me to bring her back?

4 THE COURT: No, there's --

5 (Several people speaking simultaneously. This portion  
6 cannot be transcribed.)

7 COURT CLERK: Here's Ms. Knox. Did you --

8 (Ms. Knox enters Judge's chambers)

9 THE COURT: Oh, Ms. Knox, you have been excused based  
10 upon agreement today. So I want to thank you for being here  
11 and your taking part in the process. We really appreciate it.  
12 You will no longer be on the juror's list until the next cycle  
13 filters through, I guess; but again, thank you very much for  
14 your participation.

15 MS. KNOX: Okay.

16 THE COURT: Thank you.

17 (Ms. Knox exits Judge's chambers)

18 COURT CLERK: We're up to No. 29 now?

19 THE COURT: Yeah, and then call 30 after that.

20 COURT CLERK: Okay.

21 (Ms. Buhman enters Judge's chambers)

22 THE COURT: Ashley Bushman?

23 MS. BUHMAN: Buhman.

24 THE COURT: Oh, Buhman. That's the one that we -- we  
25 (inaudible) said that. Ms. Buhman, it's been agreed that you

1 can be excused from serving on today's jury. I wanted to bring  
2 you back and say thank you very much and how much we appreciate  
3 your taking time --

4 MS. BUHMAN: Sure. I've got to find a new county to  
5 move to where they'll let me serve, because I would really like  
6 to be on a jury somewhere, someday, but --

7 MR. TAYLOR: (Inaudible) on a civil case, I guess.

8 MS. BUHMAN: Yes, I've been -- I've been warned that  
9 this was coming. So thank you. Good luck.

10 MS. HOWARD: Yes.

11 THE COURT: All right, thank you.

12 (Ms. Buhman exits Judge's chambers)

13 COURT CLERK: Mr. Wing, come on back.

14 (Mr. Wing enters Judge's chambers)

15 THE COURT: You're Bruce Wing?

16 MR. WING: Yes.

17 THE COURT: Mr. Wing, it's been agreed by the parties  
18 that you can be excused today from serving on the jury. I know  
19 that you come here and you've had some real concerns. So I do  
20 appreciate you being here and taking part. Like I mentioned in  
21 Court, the statute doesn't allow me to excuse a lot of people  
22 for certain reason, even though they're legitimate to you; but  
23 again, thank you for being here. I hope it's not too much of  
24 an inconvenience. You're excused and we'll take you off the  
25 juror's list until the next cycle.

1 MR. WING: Thank you very much. Appreciate that.

2 THE COURT: Thank you.

3 (Mr. Wing exits Judge's chambers)

4 THE COURT: So for the current page it looks like we've  
5 got 12.

6 COURT CLERK: Uh-huh.

7 THE COURT: (Inaudible). All right, let's see, Andrea  
8 Blackett is 31.

9 MR. TAYLOR: I'd like to ask her some questions.

10 THE COURT: Okay, 31, Andrea Blackett. (Inaudible).

11 COURT CLERK: Yes.

12 THE COURT: Which ones do you --

13 MR. TAYLOR: Questions about 60, 72, 94.

14 (Ms. Blackett enters Judge's chambers)

15 THE COURT: You're Andrea Blackett?

16 MS. BLACKETT: I am, yes.

17 THE COURT: All right, so we're just going through  
18 responses on your questionnaire. No. 1 is you might have some  
19 friends or relatives that have worked for --

20 MS. BLACKETT: Uh-huh.

21 THE COURT: -- law enforcement?

22 MS. BLACKETT: My brother was a sheriff; he's no longer  
23 a sheriff.

24 THE COURT: With Salt Lake County?

25 MS. BLACKETT: Yes.

1 THE COURT: All right, and what does he do now?

2 MS. BLACKETT: He's a stay-at-home dad now.

3 THE COURT: Oh, is that right?

4 MS. BLACKETT: Yeah.

5 THE COURT: Okay, how long was he with the sheriff's  
6 department?

7 MS. BLACKETT: Probably two years.

8 THE COURT: Was that recently or --

9 MS. BLACKETT: I think it was 2006.

10 THE COURT: Okay, and is he older or younger than you?

11 MS. BLACKETT: He's older than me.

12 THE COURT: He's older, okay. Anybody want to follow  
13 up on that?

14 MR. TAYLOR: Yeah. So as a stay-at-home dad does he  
15 witness more crimes than he did as a sheriff or --

16 MS. BLACKETT: Probably. He's got a five year old and  
17 a three year old now, so --

18 MR. TAYLOR: So I notice that in terms of your business  
19 you watch -- you say you watch officers profile the customers?

20 MS. BLACKETT: Uh-huh.

21 MR. TAYLOR: Can you tell us about that.

22 MS. BLACKETT: Basically, and me as well, like I'll  
23 leave work and they will pull me over, assuming that since I'm  
24 leaving my business as a bartender, that I've been drinking.  
25 So I get pulled over for an unnecessary reason like "You didn't

1 wait three seconds before changing lanes." Then they'll say,  
2 "Have you been drinking?" "No, I just got off work. Give me  
3 the breathalizer and send me on my way."

4 MR. TAYLOR: Is there anything about that experience  
5 both to you and your customers that makes you have a negative  
6 or a less than impartial approach to law enforcement?

7 MS. BLACKETT: No, I-- you know, it's slightly annoying  
8 but I see the benefit of having them do that, because I don't  
9 want to get hit by a drunk driver on my way home. So, you know,  
10 it doesn't make me upset with the cops; it's just slightly  
11 annoying.

12 MR. TAYLOR: Okay, and apparently you've heard some  
13 things about this case.

14 MS. BLACKETT: Uh-huh.

15 MR. TAYLOR: Do you have any opinion about this matter?

16 MS. BLACKETT: No, not necessarily. I just saw it was  
17 on the news and that was the end. I didn't really read the  
18 articles or anything.

19 MR. TAYLOR: Then in question 94 the question reads,  
20 "Do you feel that you would be less inclined to believe the  
21 statement or testimony of a person accused of a crime than the  
22 testimony of other witnesses simply because the accused has  
23 been charged with a crime?" and you answered, "Yes."

24 MS. BLACKETT: Uh-huh.

25 MR. TAYLOR: Could you tell us why you answered, "Yes."

1 MS. BLACKETT: Well, as an atheist, myself, I believe  
2 that the oath that you have to take doesn't necessarily bind  
3 you to telling the truth. So somebody that doesn't want to go  
4 to jail might lie to get themselves out of it.

5 MR. TAYLOR: Oh, so you're talking about a bias of not  
6 wanting to go to jail?

7 MS. BLACKETT: Not wanting to go to jail, yeah.

8 MR. TAYLOR: But under the law, whether -- whether, you  
9 know, we believe in God or not, the person is presumed to be  
10 innocent. Are you familiar with that principal?

11 MS. BLACKETT: Yeah.

12 MR. TAYLOR: If you were selected as a juror in this  
13 case would you honor that?

14 MS. BLACKETT: Of course, yeah.

15 MR. TAYLOR: That Ms. Grunwald here, she's presumed  
16 innocent until we prove beyond a reasonable the case --

17 MS. BLACKETT: Okay.

18 MR. TAYLOR: -- if she's guilty, if that ends up being  
19 the case.

20 MS. BLACKETT: Absolutely.

21 THE COURT: Okay, anything else?

22 MR. ZABRISKIE: I have just a couple of questions. I --  
23 you are aware that the subject of these proceedings (inaudible)  
24 deceased police officer?

25 MS. BLACKETT: Uh-huh.



1 MR. ZABRISKIE: And another police officer that was  
2 injured. With your brother being in law enforcement -- I don't  
3 know what his plans are for the future -- does the fact in and  
4 of itself that violence was perpetrated against -- or against a  
5 police officer, does that affect your judgment at all?

6 MS. BLACKETT: No, not -- with my brother, he decided  
7 not to become a police officer because he didn't enjoy the work  
8 anymore. So he quit and moved onto other things. So --

9 MR. ZABRISKIE: Was he ever the subject of any type of  
10 violence?

11 MS. BLACKETT: He worked in the Salt Lake County Jail  
12 and the reason he didn't enjoy it is because of the way the  
13 inmates would act towards them. So that's why he left, is  
14 because he didn't enjoy the environment and what they would  
15 do to them while they were in the jail.

16 MR. ZABRISKIE: Did he -- was that ADC downtown?

17 MS. BLACKETT: Salt Lake County, yeah.

18 MR. ZABRISKIE: Uh-huh.

19 MS. BLACKETT: On (inaudible) 9<sup>th</sup>, I believe it is.

20 MR. ZABRISKIE: Was he ever the subject of any type of  
21 violent act by an arrestee or anything like that?

22 MS. BLACKETT: Not necessarily violence, but like they  
23 would spit on him or throw feces on him. So he didn't really  
24 like --

25 MR. ZABRISKIE: I can't understand why.

1 MS. BLACKETT: Yeah, (inaudible) horrible.

2 MR. ZABRISKIE: Yeah.

3 THE COURT: That's all?

4 MR. ZABRISKIE: It's good.

5 MR. TAYLOR: No questions.

6 THE COURT: Thank you. Appreciate it.

7 MR. PEAD: Thank you.

8 (Ms. Blackett exits Judge's chambers)

9 MR. TAYLOR: We'd pass for cause.

10 MR. ZABRISKIE: Pass.

11 THE COURT: Teri Lee Carter, 32. Any questions?

12 MR. TAYLOR: Yes.

13 THE COURT: No. 32, Teri Lee Carter.

14 COURT CLERK: No. 32.

15 THE COURT: Which one do you want to start with?

16 MR. TAYLOR: No. 60.

17 (Ms. Carter enters Judge's chambers)

18 THE COURT: Good morning. You are Teri Lee Carter?

19 MS. CARTER: Yes, I am.

20 THE COURT: Well, thank you for being here. How are  
21 you today?

22 MS. CARTER: Great.

23 THE COURT: Good. Just want to work on responses in  
24 your questionnaire. Apparently you have friends or relatives  
25 that work in law enforcement; is that correct?

1 MS. CARTER: My brother is retired from the Salt Lake  
2 County Sheriffs.

3 THE COURT: Okay.

4 MS. CARTER: He guards a Federal Judge in St. George  
5 now.

6 THE COURT: All right, so he stayed in there?

7 MS. CARTER: Yeah.

8 THE COURT: He's retired and been doing some other  
9 things, then. How long has he worked for Salt Lake County?

10 MS. CARTER: I believe he put in his twenty.

11 THE COURT: Okay. All right, is he older or younger  
12 than you are?

13 MS. CARTER: He's older.

14 THE COURT: All right, any followup on that?

15 MR. TAYLOR: Yeah, is there anything about the fact  
16 that your brother has been in law enforcement that would make  
17 you feel differently about other law enforcement officers,  
18 either positively or negatively in this case?

19 MS. CARTER: No.

20 MR. TAYLOR: You may be aware that this case involves a  
21 police officer who was shot and killed and another officer that  
22 was injured. Would that affect your ability to be impartial  
23 and look at the evidence fairly and render a verdict that you  
24 can appropriately base solely on the evidence?

25 MS. CARTER: Absolutely.

1 THE COURT: Okay.

2 MR. TAYLOR: Then you know -- yeah, is it Elaine Arms?

3 MS. CARTER: She's my ex-sister-in-law's sister.

4 MR. TAYLOR: How much association did you have with  
5 Elaine?

6 MS. CARTER: Not a lot. When she was growing up and my  
7 brother was married to her sister, she was a little girl. Then  
8 we moved to St. George for ten years. So I really haven't had  
9 anything to do with her. Then they got divorced I think like  
10 four or five years ago, and I haven't seen her probably in that  
11 whole time. I just know who she is.

12 MR. TAYLOR: Sure. Is there anything about your  
13 association with her that would make you give her testimony  
14 more credence, or you would believe her more, or even would  
15 want to make decisions in this case based on knowing her?

16 MS. CARTER: No.

17 MR. TAYLOR: Then also Rod Hurst. How do you know Rod  
18 Hurst?

19 MS. CARTER: I believe he was a cop in Santaquin when I  
20 was living there. I just know his name, but I don't know him  
21 personally.

22 MR. TAYLOR: Okay, so you just knew his name?

23 MS. CARTER: I just knew who Rod Hurst was at the --

24 MR. TAYLOR: Again, anything about knowing him that  
25 would make you more favorable to law enforcement --

1 MS. CARTER: No.

2 MR. TAYLOR: -- or make your -- make you less than  
3 impartial in viewing the evidence in this case?

4 MS. CARTER: No.

5 THE COURT: Okay, anything else? Mr. Zabriskie?

6 MR. ZABRISKIE: Just a few questions, your Honor.

7 Ms. Carter, was your brother, while serving as a law enforce-  
8 ment officer, was he ever the victim of any type of of violence  
9 at his work, that you're aware of?

10 MS. CARTER: We never talked about his work. He was  
11 very confidential. I didn't even know when he got awards. The  
12 only reason I knew he got awards was because when he retired  
13 he stayed with me for a while in the transition of moving to  
14 Southern Utah and I was kind of shocked.

15 MR. ZABRISKIE: Find out a little more about your  
16 brother, huh?

17 MS. CARTER: Yeah, it's like "Why didn't you ever tell  
18 us about this?" because, you know, that's important things; and  
19 he said that was his job.

20 MR. ZABRISKIE: I understand. You said in one of the  
21 questions you were more inclined to believe an officer's testi-  
22 mony as opposed to maybe the accused?

23 MS. CARTER: That was a hard question for me to answer  
24 because of course you're taught and you're raised, I believe,  
25 to have respect for law enforcement --

1 MR. ZABRISKIE: Uh-huh.

2 MS. CARTER: -- and veterans, and you know, that's the  
3 way I was raised; but the evidence, you would have to see both  
4 sides of the story in order to make a decision on that. So I  
5 was kind of -- I didn't know how to answer that question.

6 MR. ZABRISKIE: And -- no.

7 MS. CARTER: Well, I -- I feel like they should be more  
8 truthful, but that doesn't mean that they are.

9 MR. TAYLOR: Sometimes truth is a matter of perception,  
10 too.

11 MS. CARTER: Exactly.

12 MR. TAYLOR: So two people could --

13 MS. CARTER: You might view something differently --

14 MR. TAYLOR: Uh-huh.

15 MS. CARTER: -- but as long as you view it with an open  
16 mind --

17 MR. TAYLOR: Uh-huh.

18 MS. CARTER: -- then I believe you'll find your answer.

19 MR. PEAD: Just is there anything about your relation-  
20 ships and experience with family members, et cetera, who are  
21 involved in law enforcement, is there anything about that  
22 that would impair your ability to observe the presumption  
23 of innocence in this case?

24 MS. CARTER: No, I have -- I don't know if you read  
25 also, I have a child that's been not really a very good child.

1 He's kind of had a lot of interaction with law enforcement the  
2 other way. You just have to look at both sides of the story,  
3 and you have to realize that just because they're your child,  
4 they don't always tell you the truth; and just because they get  
5 in trouble doesn't mean that they're all bad either, you know.  
6 It's just -- you just have to -- I guess what I'm trying to say  
7 is you would have to look at it from both sides before you make  
8 a decision.

9 MR. PEAD: Thank you.

10 THE COURT: Anything else?

11 MR. TAYLOR: No, your Honor. Thank you.

12 THE COURT: All right, thank you.

13 MS. CARTER: Thank you.

14 (Ms. Carter exits Judge's chambers)

15 MR. ZABRISKIE: Judge, we have -- is the Court going  
16 to break for lunch? I have a -- I don't want to interfere with  
17 the Court's scheduling, but I have something that I kind of  
18 committed to. It's a surgery in my family, and I just have to  
19 do something sometime after 12.

20 THE COURT: Um --

21 MR. ZABRISKIE: I don't have to. I just --

22 THE COURT: -- what time are our (inaudible)?

23 COURT CLERK: At 1:30. We still have time for you to  
24 get to --

25 THE COURT: I guess we could. I don't have a problem

1 with that.

2 MR. ZABRISKIE: I don't want to-- I could (inaudible)--

3 MR. TAYLOR: No, it's -- well, for -- could we do 32  
4 real quick?

5 THE COURT: Yes.

6 MR. TAYLOR: I pass 32 for cause.

7 MR. ZABRISKIE: Pass for cause.

8 MR. TAYLOR: Okay, maybe what we could do, your Honor,  
9 and I don't know if this would work, is Mr. Zabriskie could  
10 be excused, and we could call in the remainders that we've  
11 stipulated to so that they don't have to come back, and then  
12  
13 proceed at like 1, and try and get through the rest before the  
14 others get here if they're necessary.

15 MR. ZABRISKIE: Is that all right?

16 THE COURT: Yeah, it looks like we're going to make it  
17 with just this group, if you feel that way.

18 MR. PEAD: So that was 14 on down.

19 THE COURT: Are all of these -- I guess (inaudible),  
20 right?

21 COURT CLERK: Yeah.

22 THE COURT: All right, then let's go ahead and call in  
23 No. 43, Shantell Hailstone. I believe that's the next --

24 MR. TAYLOR: I think -- oh, are the other's excused?

25 THE COURT: Yeah, 34 is excused. We're at 48 after



1 that.

2 COURT CLERK: We're just calling the excused ones back.

3 MR. TAYLOR: I don't have any problem with you being  
4 excused if you want to go (inaudible).

5 MR. ZABRISKIE: If that's what you have earlier, yeah.

6 (Ms. Hailstone enters Judge's chambers)

7 THE COURT: All right, you are Shantell Hailstone?

8 MS. HAILSTONE: Uh-huh.

9 THE COURT: Ms. Hailstone, it's been agreed that you  
10 can be excused from serving on the jury today, and just because  
11 of some issues or whatever you had listed in your response. We  
12 wanted you to know that we appreciate your being here, partici-  
13 pating in the process. I know it's now noon, but at least you  
14 get to be excused from now on. Then you'll be taken off the  
15 jury list certainly until the next cycle. So thank you very  
16 much.

17 MS. HAILSTONE: Thank you.

18 (Several people speaking simultaneously. This portion  
19 cannot be transcribed.)

20 (Ms. Ipsen enters Judge's chambers)

21 THE COURT: All right, good morning. Are you -- is it  
22 Miho?

23 MS. IPSEN: Yes.

24 THE COURT: Miho Ipsen?

25 MS. IPSEN: Yes.

1 THE COURT: All right, Ms. Ipsen, it's been agreed that  
2 you can be excused as to serving as a juror in this case. I  
3 wanted to bring you back and say thank you very much for coming  
4 and I know it's been a few hours, but appreciate it.

5 MS. IPSEN: Thank you.

6 THE COURT: Thank you.

7 MR. TAYLOR: Could you look at No. 41? Based on how  
8 well we're going through these right now, I think 41 maybe  
9 should be for cause as well. It was one of the ones who got  
10 -- I can't remember --

11 MS. HOWARD: That was one that came in this morning.

12 PARALEGAL: Oh, that one? Oh.

13 MR. TAYLOR: She --

14 COURT CLERK: I might have left it out there because I  
15 was working on it.

16 MR. PEAD: She -- this person needs a liver transplant.

17 MR. TAYLOR: Oh, I remember that, yeah.

18 MS. HOWARD: Oh, yes, I think we were already taking  
19 her off.

20 THE COURT: Okay, do you stipulate to 41?

21 MR. TAYLOR: Yeah, 41.

22 MS. HOWARD: She's got a lot of health problems.

23 COURT CLERK: No. 41.

24 THE COURT: Let's bring back -- who's here?

25 COURT CLERK: No. 41 is coming back.

1 THE COURT: Save her from bringing her back on an order  
2 to show cause.

3 COURT CLERK: Her doctor's out in the hallway, too.

4 THE COURT: Probably should have recognized that a  
5 little earlier maybe, too.

6 MR. TAYLOR: Yeah, and I apologize.

7 THE COURT: It's all right.

8 MR. TAYLOR: I meant to.

9 COURT CLERK: Right back here.

10 (Ms. Lopez enters Judge's chambers)

11 THE COURT: Good morning, Ms. Lopez. I guess we're now  
12 afternoon.

13 MS. LOPEZ: Yeah.

14 THE COURT: We wanted to let you know that you're being  
15 excused from serving in this case and based upon your responses  
16 made, but thank you so much for being here.

17 MS. LOPEZ: Thank you.

18 THE COURT: I wanted you to know that it is some  
19 inconvenience, more so for you.

20 MS. LOPEZ: Well, it's just that I have a lot of health  
21 issues. So, you know, that's the only thing that was bothering  
22 me because my (inaudible), my feet are swollen, and you know,  
23 but --

24 THE COURT: That's why we appreciate it much more that  
25 you're here.

1 MS. LOPEZ: Thank you.

2 THE COURT: Thank you.

3 MS. LOPEZ: Uh-huh, goodbye.

4 THE COURT: Bye.

5 MR. TAYLOR: Bye.

6 (Ms. Lopez exits Judge's chambers)

7 COURT CLERK: No. 56, is that our next one?

8 THE COURT: Yep.

9 THE COURT: Yep.

10 MR. TAYLOR: We should have let her go earlier. If

11 we'd have looked at it and then just --

12 MR. ZABRISKIE: Had to tell you we're stipulating --

13 MS. HOWARD: I just -- 50 other things.

14 MR. ZABRISKIE: -- to those that came in, yeah.

15 (Mr. Turley enters Judge's chambers)

16 THE COURT: Good morning, Mr. Turley, come in, please.

17 MR. TURLEY: Thank you.

18 THE COURT: How are you?

19 MR. TURLEY: I'm well.

20 THE COURT: Good. Well, I wanted to let you know that

21 it's been agreed that you can be excused from serving on the

22 jury. I do want you to know we appreciate your being here and

23 know it's probably an inconvenience, but --

24 MR. TURLEY: No problem.

25 THE COURT: -- nonetheless, thank you.

1 MR. TURLEY: Thank you.

2 THE COURT: Okay.

3 (Mr. Turley exits Judge's chambers)

4 COURT CLERK: No. 57.

5 THE COURT: No. 57, Casey Fuller.

6 MR. TAYLOR: Probably not a tremendous surprise.

7 (Mr. Fuller enters Judge's chambers)

8 THE COURT: Good morning. You are Casey Fuller?

9 MR. FULLER: Uh-huh.

10 THE COURT: Mr. Fuller, it's been agreed that you can  
11 be excused from serving on this jury.

12 MR. FULLER: All right.

13 THE COURT: Wanted to bring you back and say how much  
14 we appreciate you being here and thank you for your commitment  
15 to come, but you'll be taken off the juror's list until the  
16 next cycle, whenever that might be, but -- so thank you. Sorry  
17 it's taken so long.

18 MR. FULLER: No problem.

19 (Mr. Fuller exits Judge's chambers)

20 (Ms. Brimhall enters Judge's chambers)

21 THE COURT: Good morning. You're Shaylee Brimhall?

22 MS. BRIMHALL: Yes.

23 THE COURT: All right, we thought we'd come and question  
24 you really, really serious. No, you're excused, actually, from  
25 serving on the jury. It's been agreed that you can be excused,

1 and we wanted to let you know how much we appreciate you being  
2 here. Thank you for your commitment. You'll be taken off the  
3 juror's list until the next cycle, whenever that might be. So  
4 thank you. Appreciate it.

5 MS. BRIMHALL: Thanks.

6 (Ms. Brimhall exits Judge's chambers)

7 THE COURT: Want to bring back Candace Sorrells.

8 (Ms. Sorrells enters Judge's chambers)

9 THE COURT: Hi. You're Candace Sorrells?

10 MS. SORRELLS: I am.

11 THE COURT: Am I saying that right?

12 MS. SORRELLS: Sorrells.

13 THE COURT: Sorrells, I'm sorry. Ms. Sorrells, it's  
14 been agreed that you can be excused from serving on the jury at  
15 this time, and wanting to let you know how much we appreciate  
16 you being here and your commitment to following through with  
17 your obligation and doing so. Again, thank you so much, and  
18 you'll be taken off the juror's list for this cycle, and when-  
19 ever that might come up again.

20 MS. SORRELLS: Okay.

21 THE COURT: Thank you.

22 MS. SORRELLS: Thank you.

23 (Ms. Sorrells exits Judge's chambers)

24 THE COURT: All right, so we'll go ahead and recess for  
25 lunch at this time. My plan is to go out and talk to those

1 that are here, and try to alleviate a little bit of concern.  
2 We'll just let them know that we'll expect them to be back  
3 around 1 o'clock as well. Then we have the others coming in  
4 at 1:30. What room are the people come in at 1:30?

5 COURT BAILIFF: Third floor.

6 THE COURT: Is that going to be free for a while?

7 COURT CLERK: Judge Davis is gone today, so we can  
8 use his room.

9 THE COURT: So that will be okay? All right, I am  
10 really optimistic. I (inaudible) using them, just as we're  
11 going through.

12 COURT CLERK: Just so you know, the jury letters did  
13 tell them that they would only be here this morning for the  
14 first half, and the second half for the afternoon. So --

15 THE COURT: Yeah, well, I'll (inaudible).

16 COURT CLERK: Yeah, he'll come out (inaudible).

17 THE COURT: You're free to come in for that if you'd  
18 like. You don't have to, if you have your stuff in there.

19 MR. PEAD: We'll just grab our stuff.

20 THE COURT: Okay.

21 MR. TAYLOR: Is it okay if we leave our stuff in here?

22 THE COURT: I don't even think --

23 COURT CLERK: Yeah, we'll lock this, and then the door  
24 has been locked --

25 MR. TAYLOR: Oh, then I can leave (inaudible).

1 THE COURT: Why don't you let me go in first.

2 COURT CLERK: Yeah, Dean's a little --

3 THE COURT: I'll go in first and talk to them and then  
4 let -- tell them to be back at 1, and then you guys can --

5 MR. TAYLOR: Okay.

6 (Court resumes back in courtroom)

7 COURT BAILIFF: All rise.

8 THE COURT: Thank you. Please be seated.

9 (Court confers with clerk off the record)

10 THE COURT: All right, so I'm coming out here to let  
11 you know that we are going to take a lunch break at this time.  
12 Those of you that are still remaining, I'm going to need to  
13 have you come back at 1 o'clock this afternoon. I recognize  
14 the letter and notice said that you were only going to be here  
15 for the morning, but we're moving along fairly rapidly.

16 So I think we're going to get this taken care of in  
17 not too long. So it may be that you're going to end up staying  
18 a little bit longer because you're chosen; but at this point  
19 we're really close to getting the people that we need, and I  
20 wanted to come out and let you know myself that if that's the  
21 case, then I'm going to probably end up having a jury set by  
22 the end of the day today. I'd just as soon do that than wait  
23 and go into tomorrow and things like that.

24 So if you would come back maybe just a little bit  
25 before 1 o'clock, maybe about 10 to 1, and Pona will tell you



1 what room he wants you to come in. We might end up coming  
2 right back here.

3 COURT BAILIFF: Yeah.

4 THE COURT: Is that what we're going to do?

5 COURT BAILIFF: Probably.

6 THE COURT: Then we'll proceed with where we're at; but  
7 I always feel like I've got to let you guys know rather than  
8 somebody else, because it's -- I can take the heat usually,  
9 and I know that a lot of you are here and anticipate some other  
10 things, but again, it's moving along pretty quickly, and we're  
11 going to get to probably most of you, and then we'll just have  
12 to see where it goes from there.

13 If most of you that are sitting here are part of the  
14 people that are left, I'll take care of this afternoon, you'll  
15 know for sure whether or not you're going to be sitting on this  
16 jury. I really appreciate your being here. It goes a long  
17 ways towards helping me out as a Judge and your commitment.  
18 So Pona will let you know and I'll see you back again this  
19 afternoon, okay?

20 COURT BAILIFF: All rise. Court's in recess.

21 (Recess taken)

22 THE COURT: We are back on the record in the State of  
23 Utah vs. Meagan Grunwald matter. The defendant, Ms. Grunwald,  
24 is present with Counsel, and the State's attorneys are present  
25 as well. We ended with No. 33, Kirk Flora. Questions for

1 Mr. Flora?

2 MR. TAYLOR: Yes.

3 THE COURT: Okay, 33.

4 COURT CLERK: No. 33.

5 MR. TAYLOR: It's question 37.

6 THE COURT: Okay, on have you ever been married?

7 MR. TAYLOR: Oh, did I write down the wrong number?

8 MR. PEAD: Have you ever been arrested.

9 THE COURT: Which number?

10 MR. PEAD: No. 37.

11 THE COURT: Okay.

12 (Mr. Flora enters Judge's chambers)

13 THE COURT: Good afternoon, Mr. Flora. Thank you for  
14 being here. Just going over the responses, as you're aware  
15 of, to the questionnaire. The one that you check on No. 37,  
16 "Have you ever been arrested?" and you said, "Yes." "If so --"  
17 "1987." "Were you charged?" "Yes, accessory to battery."  
18 You're on probation. Sounds like you've taken care of all of  
19 that, apparently.

20 MR. FLORA: Over a long, long time.

21 THE COURT: Yeah? All right, did you want to follow up  
22 on that?

23 MR. TAYLOR: Yeah, and I apologize in advance. You're  
24 probably like, "Oh, it's the dang prosecutor who's asking me  
25 about my criminal history from 30 years ago." I just want to

1 know, is there anything about that experience that gave you a  
2 negative taste for the prosecution, the defense, the criminal  
3 justice system, anything like that?

4 MR. FLORA: Just bad friends. Got in the wrong car  
5 and ended up being tried as a group by recommendation of the  
6 lawyers, and yeah, I don't bear any ill will, just learned life  
7 experiences.

8 MR. TAYLOR: Okay, and then you also said that you had  
9 been a witness in a criminal trial?

10 MR. FLORA: There was a child molester in our neighbor-  
11 hood who had attempted to do the same to me but wasn't success-  
12 ful.

13 MR. TAYLOR: Okay, again I apologize for having to  
14 bring this up.

15 MR. FLORA: No, I'm fine.

16 MR. TAYLOR: The same question. Anything about that  
17 experience that gave you a bad taste for either side or the  
18 system in general?

19 MR. FLORA: (No verbal response).

20 MR. TAYLOR: Okay, thank you.

21 MR. ZABRISKIE: What jurisdiction was this in?

22 MR. FLORA: This was -- I'm an Army brat, so I've been  
23 all over the place. This was in the Washington DC area.

24 MR. ZABRISKIE: I see. (Inaudible). How do were you  
25 in 1987?

1 MR. FLORA: Seventeen.

2 THE COURT: Anything else before --

3 MR. TAYLOR: Not from the State.

4 THE COURT: Mr. Zabriskie?

5 MR. ZABRISKIE: Nothing.

6 THE COURT: Okay, thank you. You're good.

7 (Mr. Flora exits Judge's chambers)

8 MR. TAYLOR: Pass for cause.

9 MR. ZABRISKIE: Same.

10 THE COURT: Thank you. No. 34 was excused. So then

11 we're to 35, Teresa Crown. Questions for Ms. Crown?

12 MR. TAYLOR: On Nos. 83 and 84.

13 THE COURT: Okay, Teresa Crown.

14 MS. HOWARD: She's pregnant and needs (inaudible).

15 MR. TAYLOR: I expect that's either bathroom or have

16 some lunch or something. Maybe she's got gestational diabetes.

17 Not to speculate.

18 MS. HOWARD: Maybe she needs a back support.

19 THE COURT: Maybe she needs a large pickle jar --

20 MS. HOWARD: Oh, yeah.

21 THE COURT: -- full of pickles.

22 MR. TAYLOR: There's no sympathy (inaudible). Maybe we

23 should ask her as to her comfort zone.

24 MS. HOWARD: Yes. Sometimes it's -- if she has

25 sciatica or something it would be hard for her to sit.

1 MR. TAYLOR: If she goes into labor here, the State has  
2 to pay all the costs of transporting --  
3 MR. PEAD: As long as we have Tim do it.  
4 MR. TAYLOR: Got the EMT training.  
5 MS. HOWARD: Very good, Doctor.  
6 MR. TAYLOR: Maybe we better talk to her, Judge, just  
7 about it.  
8 THE COURT: Yeah, we'll make sure we do.  
9 MR. PEAD: You'd like that Freudian slip, confusing  
10 (inaudible) with married, Judge.  
11 COURT CLERK: Ms. Crown?  
12 THE COURT: Yes.  
13 MR. THOMAS: Oh, it's 30 weeks. I thought it said 3D  
14 weeks.  
15 MS. HOWARD: Sorry, my handwriting is --  
16 MR. THOMAS: No, hers.  
17 MS. HOWARD: Oh, hers.  
18 MR. THOMAS: Yeah.  
19 MS. HOWARD: You can tell that I was tired --  
20 THE COURT: So we've got us up to 18; is that right?  
21 MR. ZABRISKIE: I have 17.  
22 THE COURT: Oh, 17?  
23 (Ms. Crown enters Judge's chambers)  
24 THE COURT: Good afternoon, Teresa Crown?  
25 MS. CROWN: Yes.

1 THE COURT: Please have a seat. How are you today?

2 MS. CROWN: I'm all right.

3 THE COURT: Just following up on some responses from  
4 your questionnaire.

5 MS. CROWN: Uh-huh.

6 THE COURT: First one is in -- No. 83 had asked, "Do  
7 you feel that your decision in this matter might be criticized  
8 by your family, your friends and others?" and you checked,  
9 "Yes." "Would that be of concern to you or affect how you  
10 might vote?" and you said, "Yes." Do you want to elaborate  
11 on that a little bit --

12 MS. CROWN: Possibly.

13 THE COURT: -- on your thinking.

14 MS. CROWN: It's kind of more of an "I don't know."  
15 My husband is really opinionated.

16 THE COURT: Okay.

17 MS. CROWN: So especially during the process I have  
18 to be really careful to not say anything at all to him about  
19 it, because he's of the opinion that the worse the offense the  
20 stricter the judgment should be, and sometimes he goes too far.

21 THE COURT: I see. All right, so that's a great -- a  
22 great concern for you, I gather?

23 MS. CROWN: Yeah.

24 THE COURT: All right, wish to follow up on that?

25 MR. PEAD: Is there any reason -- well, let me rephrase

1 that. Based on your husband's attitude and kind of your concern  
2 about being criticized, would that affect your ability to say,  
3 "No, I think this is the proper outcome, and I'm going to stick  
4 by that regardless of what you or anybody else may suggest  
5 after the fact"?

6 MS. CROWN: No. Especially if I can keep him out of  
7 the loop until it's afterwards.

8 THE COURT: Okay.

9 MR. ZABRISKIE: Have you discussed the case with him  
10 already?

11 MR. CROWN: He tried asking me what it was about, and I  
12 told him we're not allowed to say anything. I just told him it  
13 was a big case but I can't really discuss who's in it or what  
14 it's about or anything, and he left it at that.

15 MR. ZABRISKIE: Has there been a first time you've  
16 disagreed with your husband?

17 MS. CROWN: We've had little disagreements, sure.

18 MR. ZABRISKIE: Okay, but you would not let his opinion  
19 influence you?

20 MS. CROWN: No, no.

21 MR. ZABRISKIE: I see.

22 MS. CROWN: And we've been married long enough that I  
23 know how to keep certain things out of our conversation until  
24 after it's not such an issue. So it -- yeah.

25 MR. TAYLOR: Those words of wisdom. Do you have any

1 (inaudible)? Awfully young to avoid that.

2 MR. ZABRISKIE: Has he, to your knowledge, voiced an  
3 opinion not because you've incited it, but has he commented on  
4 this case here either as it relates to the news or whatever  
5 source he has for his information?

6 MS. CROWN: He may have, but it's been long enough ago  
7 that it was --

8 MR. ZABRISKIE: Uh-huh.

9 MS. CROWN: -- so big on the news that I can't remember  
10 what he said.

11 MR. ZABRISKIE: So you don't know if he's formed an  
12 opinion that he's shared with you?

13 MS. CROWN: He may have; I just don't remember.

14 MR. ZABRISKIE: Okay, I also note that you're expecting.

15 MS. CROWN: Yes.

16 MR. ZABRISKIE: Either they tell us about (inaudible),  
17 but do you feel all right? I mean, do you --

18 MS. CROWN: Yeah, I mostly feel all right. My biggest  
19 concerns with that is needing to eat on a regular basis, take  
20 breaks, stand up, whatnot. If you see me doing this, it's  
21 probably not from something that was said or something that --

22 MR. ZABRISKIE: You're in labor or something like that,  
23 yeah.

24 MS. CROWN: -- or maybe kicking.

25 MR. ZABRISKIE: Is it -- would it impede your ability--



1 this is going to be an approximately concluding over the week-  
2 end, pretty close to a two-week experience. Do you have any  
3 special care needs or anything like that?

4 MS. CROWN: As long as we can have frequent breaks I'll  
5 probably be okay, because I do work all day, so I'm used to  
6 sitting all day and having frequent breaks.

7 MR. ZABRISKIE: May I inquire as to what kind of breaks  
8 she's talking about or --

9 THE COURT: Sure.

10 MR. ZABRISKIE: What's "frequent"?

11 MS. CROWN: Well, like every two hours at least being  
12 able to get up for ten minutes.

13 MR. ZABRISKIE: Well, your endurance far exceeds mine,  
14 so that's all the questions I have, your Honor.

15 THE COURT: Anything else?

16 MR. TAYLOR: No, your Honor.

17 MR. PEAD: Does your husband work?

18 MS. CROWN: Yes, he's a cashier (inaudible).

19 MR. PEAD: How will -- I imagine your family is depend-  
20 ant upon your income as well?

21 MS. CROWN: Yes, I'm the primary income provider, but  
22 my work is willing to compensate me for jury duty.

23 MR. PEAD: Very good. Thank you.

24 THE COURT: All right. That's all, then. Thank you.

25 MS. CROWN: I had one question, though, that was not on

1 the questionnaire. Family members of the victim, I know them.

2 THE COURT: Family members of the victim?

3 MS. CROWN: Of -- yeah, I know one of the sons of  
4 Sergeant Cory Wride.

5 THE COURT: Okay.

6 MS. CROWN: We're still Facebook friends.

7 THE COURT: Oh, I see.

8 MS. CROWN: I wouldn't be surprised if he posts some-  
9 thing on Facebook, even if it's just as vague as, "Well, the  
10 jury -- or the Court is starting today."

11 THE COURT: Uh-huh.

12 MR. ZABRISKIE: Would you feel -- sorry, Judge.

13 THE COURT: Go ahead. Follow up.

14 MR. ZABRISKIE: Would you feel any pressure to render  
15 a verdict in the State's favor not because of the evidence but  
16 just because you know Sergeant Wride's son?

17 MS. CROWN: I don't think so. We weren't that close,  
18 but the case is hitting a little closer to home than I expected  
19 because of that. I grew up in Payson. I did not know Sergeant  
20 Cory Wride, only his son.

21 THE COURT: Okay.

22 MR. PEAD: Would his son's presence here in the court-  
23 room place any kind of pressure on you that you feel or --

24 MS. CROWN: I don't know.

25 MR. PEAD: -- any emotional pressure on you?

1 MS. CROWN: I really don't know. It might be a little  
2 bit of pressure.

3 MR. ZABRISKIE: There's every possibility that he would  
4 be present in Court during these proceedings.

5 MS. CROWN: I would not be surprised.

6 MR. ZABRISKIE: Uh-huh. One of the -- one of the  
7 children is not going to be. I don't know which one it is.  
8 At least I'm just basing this on our interview.

9 MR. TAYLOR: I wouldn't expect him to be here.

10 MR. PEAD: Okay, so if this family member is here in  
11 the courtroom and he displays any emotion, would that have an  
12 impact on you emotionally?

13 MS. CROWN: Maybe. Emotionally maybe.

14 THE COURT: Thank you. All right, anything else?

15 MR. ZABRISKIE: No, your Honor.

16 THE COURT: Thank you. Appreciate your honesty.

17 (Ms. Crown exits Judge's chambers)

18 MR. TAYLOR: This is one of the more candid --

19 MR. PEAD: Venires?

20 MS. HOWARD: Yeah.

21 MR. TAYLOR: Usually come in --

22 MS. HOWARD: Pulling teeth to get what you need.

23 MS. HOWARD: Yeah.

24 PARALEGAL: But they volunteer.

25 MR. ZABRISKIE: We challenge for cause.

1 THE COURT: Cause, yeah.

2 MR. TAYLOR: I think kind of is a cumulative between  
3 the pregnancy, between their knowing someone, between criticism  
4 and I agree.

5 THE COURT: All right, I'll put down stipulate and --

6 MR. PEAD: Unique relationship, my husband (inaudible).

7 THE COURT: Okay, Cheryl Miller, 36. We'll wait a  
8 little bit before we call her back.

9 MR. ZABRISKIE: I don't have any questions for No. 36.

10 MS. HOWARD: Should we --

11 MR. ZABRISKIE: Oh, is she --

12 MS. HOWARD: -- 73.

13 MR. PEAD: I'm sensing the pain over here.

14 MS. HOWARD: I understood it -- she's good.

15 THE COURT: Are we passing or --

16 MS. HOWARD: I think -- I don't think --

17 MR. ZABRISKIE: Pass for cause.

18 MR. TAYLOR: Okay, we'll pass her. On 37 -- I'm sorry,  
19 your Honor --

20 MR. PEAD: No. 16? I think we better.

21 MR. TAYLOR: Yeah, sorry, we need to go back to 36. We  
22 do want to talk to her about -- she indicates she testified as  
23 a witness in a case. The defendant was guilty. We just want  
24 to inquire into that experience.

25 THE COURT: Okay, 36?

1 COURT CLERK: Okay.

2 MR. ZABRISKIE: While she's getting them, I would  
3 stipulate on No. 37. This is the student who begins his  
4 semester Monday.

5 MS. HOWARD: Oh, there's a lot of --

6 MR. ZABRISKIE: Yeah, there's a lot of stuff there.

7 MS. HOWARD: Yeah, there was a ton of people --

8 MR. ZABRISKIE: We'll stipulate to strike on that one  
9 as well.

10 (Ms. Miller enters Judge's chambers)

11 THE COURT: Good afternoon.

12 MS. MILLER: Good afternoon.

13 THE COURT: You are Cheryl Miller?

14 MS. MILLER: Yes, I am.

15 THE COURT: All right, thank you for being here. Just  
16 following up on some questions that you responded to.

17 MS. MILLER: Yes.

18 THE COURT: What number was that one? I think it was  
19 the --

20 MR. PEAD: I don't have the number, but it has to do  
21 with you --

22 MR. TAYLOR: No. 56.

23 MR. PEAD: -- you provided a response that you had been  
24 a witness in a case before in Court?

25 MR. ZABRISKIE: Juror.

1 MR. PEAD: I'm sorry, as a juror, a juror?

2 MS. MILLER: Yes, yes.

3 MR. PEAD: Okay, was that --

4 MS. MILLER: It was here in Provo. It was when I was  
5 fairly young. It was just one that was a four panel. There  
6 was two men and then --

7 THE COURT: Oh, on a misdemeanor case?

8 MS. MILLER: Yes, and the gentleman had been drinking,  
9 and so I --

10 THE COURT: Was that a good experience for you way back  
11 that time?

12 MS. MILLER: Yes, it was, was a very good experience.

13 MR. PEAD: Was that a DUI case?

14 MS. MILLER: Yes, it was.

15 MR. PEAD: What verdict was rendered in that case?

16 MS. MILLER: It was rendered guilty because they had  
17 seen him throw out his beer and stuff out of the car and that  
18 (inaudible).

19 MR. PEAD: What lasting impressions did you have from  
20 that case about the justice system?

21 MS. MILLER: Just that it works well, and that it's  
22 good for all of us to go through it. I believe that I would  
23 do it myself if I, you know, had a problem with (inaudible),  
24 because I think it's a good way and it shows what people, you  
25 know, how they act and everything.

1 THE COURT: Thank you. Anything else?

2 MR. TAYLOR: No.

3 MS. MILLER: Sorry.

4 MR. TAYLOR: You're fine.

5 THE COURT: No, that's great. We appreciate you  
6 answering. That's all we have for you at this point.

7 MS. MILLER: Okay.

8 THE COURT: Thank you.

9 MS. MILLER: Thank you.

10 (Ms. Miller exits Judge's chambers)

11 THE COURT: Pass?

12 MR. TAYLOR: Yes.

13 MR. ZABRISKIE: Pass for cause.

14 THE COURT: Okay, my number is 37.

15 MR. TAYLOR: We're -- I think we're stipulating for  
16 cause on him.

17 THE COURT: Yeah, a lot of these students call. I say  
18 sure, but if you're going to stipulate, that's fine.

19 MR. TAYLOR: Then there's more that were stipulated.

20 THE COURT: It's been a while since I was a student.  
21 So that one we'll stipulate; is that correct?

22 MR. TAYLOR: Is that 37?

23 THE COURT: Uh-huh.

24 MR. ZABRISKIE: They must be under class. By the time  
25 you're a senior you're just whatever, phone it in.

1 THE COURT: Yeah. Dennis Williams is 39.

2 MR. ZABRISKIE: There's quite a number we might want to  
3 discuss with him.

4 THE COURT: Okay, Dennis Williams 39.

5 MS. HOWARD: We passed one.

6 THE COURT: Who?

7 MR. TAYLOR: We struck Miller.

8 THE COURT: Stipulated to --

9 MS. HOWARD: Which 36 or 37?

10 THE COURT: No. 37.

11 MS. HOWARD: No. 37.

12 THE COURT: Cheryl Moore passed.

13 MS. HOWARD: Thanks.

14 THE COURT: Dennis Williams, what number? Dennis  
15 William, No. 39?

16 MR. TAYLOR: Oh, what numbers we have questions on, I'm  
17 sorry. Um, 79, 80, 84, 91, 94.

18 THE COURT: Okay.

19 MR. TAYLOR: Oh, let's get 78, 79.

20 (Mr. Williams enters Judge's chambers)

21 THE COURT: Good afternoon, Mr. Williams. Please have  
22 a seat. How are you doing this afternoon?

23 MR. WILLIAMS: Doing fine.

24 THE COURT: All right, just following up on responses  
25 in your questionnaire. Start with No. 79, "Has anyone expressed



1 an opinion to you about whether they believe Meagan Grunwald is  
2 guilty or not guilty of these crimes?" and you checked, "Yes."  
3 "Thinking what he questioned whether the girl was a willing  
4 participant." Can you elaborate more on that, on who you were  
5 speaking with or what was the conversation and how did we get  
6 there and things like that?

7 MR. WILLIAMS: Discussion with a friend of mine.

8 THE COURT: Okay, were you just talking about news or--

9 MR. WILLIAMS: Pretty much, yeah, the news, yeah.

10 THE COURT: I see. All right, did it go any farther  
11 than that or was it really --

12 MR. WILLIAMS: No, it was just a discussion with an old  
13 friend based on --

14 THE COURT: Was it small talk or --

15 MR. WILLIAMS: Not necessarily small talk, but we like  
16 to discuss weightier matters and this is definitely a very  
17 consequential case. So we were discussing the gravity of it.

18 THE COURT: Okay, do you wish to follow up on that,  
19 I guess, Mr. Zabriskie?

20 MR. ZABRISKIE: Well, yeah, just the -- you guys were  
21 obviously discussing your opinions about the case. You stated  
22 --do you feel that those discussions and the already formulated  
23 opinions will impact your decision making here?

24 MR. WILLIAMS: It's just another (inaudible) point.

25 MR. ZABRISKIE: Another question had you indicated that

1 you're more inclined to believe law enforcement testimony. Do  
2 you want to elaborate on that?

3 MR. WILLIAMS: I don't know many people that have been  
4 convicted criminals. I know law enforcement people. I volun-  
5 teered for a number of years, a significant amount of my time  
6 to help the local law enforcement in my hometown. So I know  
7 them personally. I know them individually. I know the type  
8 of person that it takes to choose that career.

9 MR. ZABRISKIE: Would you be inclined to give more  
10 weight to the testimony of law enforcement than the testimony  
11 of the defendant simply by virtue of the fact that they're with  
12 law enforcement?

13 MR. WILLIAMS: I would like to say no. However, I can't  
14 make a decision where I -- I have to factor in everything in  
15 what I know about the case to be able to I think truly and  
16 honestly answer that. I would think I'd have to say that it  
17 would be difficult to disregard the other factors.

18 MR. ZABRISKIE: Do you feel that in light of all this  
19 that you can observe the presumption of innocence throughout  
20 the trial?

21 MR. WILLIAMS: I'm having a hard time with it, honestly.

22 THE COURT: Thank you. Any followup on that? Okay,  
23 yeah. Thank you, sir. Appreciate it.

24 MR. TAYLOR: Thank you.

25 (Mr. Williams exits Judge's chambers)

1 THE COURT: Okay, what about Mr. Williams?  
2 MR. ZABRISKIE: Challenge for cause.  
3 MR. TAYLOR: I don't think he can be rehabilitated at  
4 all.  
5 THE COURT: Stipulate?  
6 MR. TAYLOR: Yeah.  
7 MR. ZABRISKIE: I'm drawn to people that are so dang  
8 (inaudible).  
9 THE COURT: I know. Me, too.  
10 MR. ZABRISKIE: You know, I mean, that's what we were  
11 talking about.  
12 MS. HOWARD: Uh-huh.  
13 MR. ZABRISKIE: It's been a long time since we've had  
14 a panel where they just -- unless they have a hidden agenda,  
15 and this is a good away of getting out of jury duty. In other  
16 words, I'm drawn to the man for his character, but I don't want  
17 him on the jury.  
18 MS. HOWARD: But you could see him wrestling with it.  
19 THE COURT: Heidi Spencer. Heidi Spencer, 40.  
20 MR. PEAD: Do we have a questionnaire for her?  
21 THE COURT: Yeah, right here.  
22 MS. HOWARD: Judge has it.  
23 COURT CLERK: Did you not get it?  
24 MR. PEAD: I don't know why I don't -- oh, (inaudible).  
25 THE COURT: Heidi Spencer. Maybe you don't have 41.

1 We're on 40.

2 MR. PEAD: I just seen someone else, I guess.

3 THE COURT: Questions for her?

4 MR. TAYLOR: She-- her brother works in law enforcement  
5 border patrol. We would like to make inquiry there.

6 THE COURT: Okay, 40, Heidi Spencer.

7 MS. HOWARD: (Inaudible).

8 MR. PEAD: People over 70 just don't fit.

9 (Ms. Spencer enters Judge's chambers)

10 THE COURT: Good afternoon, Ms. Spencer. Please have a  
11 seat.

12 MS. SPENCER: Thanks.

13 THE COURT: Thank you for being here. Just following  
14 up on your responses in the questionnaire. Do you have a rela-  
15 tive in law enforcement?

16 MS. SPENCER: Yes.

17 THE COURT: Who is that?

18 MS. SPENCER: It's my sister's husband. He's a border  
19 patrol agent.

20 THE COURT: Okay, and where do they live?

21 MS. SPENCER: He lives in Washington.

22 THE COURT: Washington state?

23 MS. SPENCER: Yeah.

24 THE COURT: How long has he been on border patrol?

25 MS. SPENCER: It will be nine years this summer.

1 THE COURT: Okay, are you close to your sister and her  
2 husband?

3 MS. SPENCER: As close as family is.

4 THE COURT: Okay, followup?

5 MR. TAYLOR: Not from the State.

6 THE COURT: Mr. Zabriskie?

7 MR. ZABRISKIE: Do Canadians sneak into the United  
8 States? He probably spends his time trying to keep us in.

9 MS. SPENCER: My husband's Canadian, but he didn't  
10 sneak in, no.

11 MR. ZABRISKIE: No offense implied.

12 MS. SPENCER: No, no, I'm just teasing. I'm teasing.

13 MR. ZABRISKIE: I don't have any questions. Oh, he's  
14 never been injured on the job by transporting or anything like  
15 that?

16 MS. SPENCER: No, uh-uh.

17 MR. ZABRISKIE: Does he ever share with you any of his  
18 experiences involving --

19 MS. SPENCER: No, we try to -- he's very quiet. We try  
20 to ask him anything fun happen at work, and he doesn't really  
21 -- he doesn't share anything. Doesn't really share. Doesn't  
22 talk about it.

23 MR. ZABRISKIE: I see. Thank you.

24 MS. SPENCER: Uh-huh.

25 MR. TAYLOR: Thanks.

1 THE COURT: All right, that's all. Thank you.

2 MR. TAYLOR: Pass for cause.

3 MR. ZABRISKIE: We pass as well.

4 THE COURT: All right, let's see, there's some that we  
5 need to --

6 COURT CLERK: Do you want to call these ones back?

7 THE COURT: Yeah.

8 COURT CLERK: Which ones? I only told --

9 THE COURT: We told Teresa Crown, right? So 37, John  
10 Miller. So did you tell 35 as well?

11 COURT CLERK: I don't know.

12 MS. HOWARD: You haven't told anyone since we started  
13 this afternoon.

14 PARALEGAL: We did 35, 37 and 39.

15 COURT CLERK: Okay, do you want me to call all three of  
16 them back at the same time or --

17 MR. ZABRISKIE: And 38, right? Oh, three of us already  
18 (inaudible).

19 MS. HOWARD: Oh, I was in (inaudible).

20 (Ms. Crown, Mr. Miller and Mr. Williams enter Judge's  
21 chambers)

22 THE COURT: All right, let's see, we have Ms. Crown.

23 MS. CROWN: Uh-huh.

24 THE COURT: John Miller.

25 MR. MILLER: Uh-huh.

1 THE COURT: Dennis Williams; is that right?

2 MR. WILLIAMS: Yeah.

3 THE COURT: Well, it's been agreed that you three  
4 can be excused from serving on this jury. I want you to know  
5 how much we appreciate you being here and thank you for your  
6 response and civic duty. We don't know how to explain or say  
7 any better, but you're not on the jury list anymore, at least  
8 until the next cycle comes up. Again, I speak for everyone  
9 here in saying we really do appreciate your participation  
10 today.

11 MR. MILLER: Thank you.

12 THE COURT: Thank you.

13 (Ms. Crown, Mr. Miller and Mr. Williams enter Judge's  
14 chambers)

15 COURT CLERK: (Inaudible).

16 THE COURT: No. 41, Yolanda Lopez was also stipulated  
17 to.

18 MR. ZABRISKIE: I think we already called her in,  
19 right?

20 COURT CLERK: She's the liver and (inaudible).

21 THE COURT: Oh, that's right. All right, so Christina  
22 Henry is 42.

23 MR. ZABRISKIE: I don't have any questions for her.

24 MR. TAYLOR: We have no questions for her. We'll pass  
25 for cause.

1 THE COURT: Pass, okay. That was Christina Henry.  
2 MS. HOWARD: We're up to 18, I think.  
3 THE COURT: We did. Didn't we excuse Hailstone; did we  
4 not?  
5 MR. TAYLOR: I think she was admitted bias.  
6 THE COURT: So Bryan Fail, 44.  
7 MR. ZABRISKIE: Yeah, there's several that we wanted --  
8 THE COURT: No. 44, Bryan Fail.  
9 COURT CLERK: Yeah.  
10 MR. ZABRISKIE: Judge, we're looking at Nos. 87, 91,  
11 93, 94, 98.  
12 THE COURT: All right. We're up to 18, 18?  
13 COURT CLERK: At 18.  
14 THE COURT: All right.  
15 (Mr. Fail enters Judge's chambers)  
16 THE COURT: Good afternoon. You're Bryan Fail?  
17 MR. FAIL: Yes.  
18 THE COURT: Have a seat, sir. Thank you for being here.  
19 We're just following up on the responses. In your questionnaire  
20 No. 87 just mentions, "Are you acquainted with anyone listed  
21 on the (inaudible) witness list, and officers and such?" You  
22 stated, "Yes." "If so, how?" You say, "Work with someone --"  
23 MR. FAIL: That being Brian Larsen was the name, and  
24 it's a fairly common name, but I do know a Brian Larsen, so --  
25 THE COURT: So the Brian Larsen that's a witness is a--



1 MR. PEAD: I believe that's a police officer.

2 MR. FAIL: That wouldn't be it.

3 THE COURT: Not the same one?

4 MR. FAIL: No.

5 THE COURT: Okay. All right, then, Mr. Zabriskie.

6 MR. ZABRISKIE: Okay, you indicated in your responses  
7 that you're more inclined to believe Officer testimony over a  
8 defendant?

9 MR. FAIL: Uh-huh.

10 MR. ZABRISKIE: Do you want to elaborate on that.

11 MR. FAIL: I've known a few police officers and know  
12 them to be honest and forthright and dutiful, and sometimes I  
13 feel like especially because I know my uncle is a felon and he  
14 would lie to save his own skin. So it's kind of hard to say  
15 it's always going to be the case or not, but that would be  
16 where my tendencies lie.

17 MR. ZABRISKIE: Do you feel like that's a bias that  
18 you can set aside in this trial and observe the presumption of  
19 innocence and give equal weight to the defendant's testimony?

20 MR. FAIL: I'd like to say yes, but I don't know if  
21 that's honestly --

22 THE COURT: There's also an instruction --

23 MR. FAIL: Yeah.

24 THE COURT: -- that comes out and that state usually  
25 mentions involving officers' testimony over -- believing their

1 testimony over others, and that you're supposed to give them  
2 the same weight as anyone else. That's an instruction that I  
3 would give. Is that something that you would follow?

4 MR. FAIL: I would try my very best, is about the best  
5 I could say.

6 MR. ZABRISKIE: Can I give you a hypothetical, then?

7 MR. FAIL: Sure.

8 MR. ZABRISKIE: If -- before I give you this, I want  
9 to mention that we give the same weight to every testimony,  
10 because they all have maybe some or not internally inconsist  
11 -- or internally consistent, or maybe they said something that  
12 was contradicted by someone else.

13 So it doesn't mean we give equal weight to everybody.  
14 It just means the Judge will instruct you, you can't give that  
15 person more weight by virtue just simply of them being a police  
16 officer. So let's say you have two witnesses and one witness  
17 testifies that A happened, and the other witness testifies that  
18 B happened; and A is a police officer, and B is not a police  
19 officer. Would you be more likely to believe the person who  
20 said statement A just because they're a police officer?

21 MR. FAIL: In my mind, I would say yes. Mostly because  
22 I think police officers have been kind of trained to watch for  
23 things, certain things, or to -- I don't know, to keep their  
24 eyes open to notice little hints or little facts or things like  
25 that.

1 MR. ZABRISKIE: Okay.

2 MR. PEAD: I have another question on your response.  
3 There was a question in here, No. 98, "Do you agree with the  
4 principal that anyone charged with a crime must be proven  
5 guilty beyond a reasonable doubt before they can be convicted  
6 of a crime?" and your response there was, "No." Do you want to  
7 elaborate on that as well.

8 MR. FAIL: Beyond a reasonable doubt is I think really  
9 hard to do. I guess I don't have any experience in it, but I  
10 just -- I can't picture that there's no possible way that it  
11 can be proven without a reasonable doubt in all instances. So  
12 I think as long as there is some reasonable doubt, but most of  
13 the evidence points in one direction, I think more often than  
14 not the evidence probably is correct, even though it may mean  
15 that small portion of that. Sorry.

16 MR. TAYLOR: Thank you. Appreciate your candor.

17 THE COURT: Anything else?

18 MR. ZABRISKIE: No, your Honor.

19 THE COURT: Thank you, sir. Appreciate it.

20 (Mr. Fail exits Judge's chambers)

21 THE COURT: All right, Bryan Fail.

22 MR. TAYLOR: Challenge.

23 MR. ZABRISKIE: Challenge. I don't think he's going to  
24 follow the standard of proof, so --

25 THE COURT: Stipulate?

1 MR. ZABRISKIE: Yes.

2 THE COURT: All right.

3 MR. ZABRISKIE: Although I don't think he understands  
4 the standard of proof.

5 THE COURT: Yeah.

6 MS. HOWARD: They think they know what it is and they  
7 just don't.

8 MR. TAYLOR: Well, that could even be interpreted in  
9 our favor. I mean --

10 THE COURT: You're right.

11 MR. TAYLOR: -- you never know. If he can't put his  
12 finger on it, then you don't know where he's going to swing.

13 THE COURT: All right, Rebecca Robinson, 45.

14 MR. ZABRISKIE: We have a question regarding Nos. 83  
15 and 84.

16 THE COURT: Okay, Rebecca Robinson. I wonder if she's  
17 related to Jeff Robinson. It's a common name.

18 (Ms. Robinson enters Judge's chambers)

19 THE COURT: Hi, Ms. Robinson.

20 MS. ROBINSON: Hello.

21 THE COURT: Please have a seat right here. Appreciate  
22 you being here. Just following up on some of the responses in  
23 your questionnaire.

24 MS. ROBINSON: Okay.

25 THE COURT: No. 83 had asked, "Do you feel that your

1 decision in this matter might be criticized by your family,  
2 your friends or others?" and you had checked, "Yes."

3 MS. ROBINSON: I'm sure it would be.

4 THE COURT: If you can elaborate on that a little bit.

5 MS. ROBINSON: I just think that -- I think at some  
6 point somewhere I would probably meet someone that if they  
7 found out I was a juror either way, you know, either way of  
8 the decision, I'm sure someone would have an opinion that that  
9 wasn't the right decision.

10 THE COURT: It's kind of like what I have to do every  
11 time I have a case.

12 MS. ROBINSON: Yeah.

13 THE COURT: Somebody isn't going to be satisfied.

14 Okay, I understand that. So that's basically what you're --

15 MS. ROBINSON: Uh-huh.

16 THE COURT: -- referring to? Did you want to follow  
17 up further, Mr. Zabriskie?

18 MR. ZABRISKIE: No, she's resolved any questions we  
19 have on that one.

20 THE COURT: Okay.

21 MR. ZABRISKIE: No. 84.

22 THE COURT: No. 84 says, "Meagan Grunwald was 17 years  
23 old when these crimes were allegedly committed. Do you have  
24 an opinion as to whether a minor should be charged as an adult  
25 with such serious crimes?" You checked, "Yes," and answered,

1 "Depending upon her mental state and maturity." It sounds  
2 pretty self-explanatory, but --

3 MS. ROBINSON: Yeah, well, it's pretty hard to make  
4 that judgment where I haven't heard anything about it, you  
5 know, her situation at the time or anything like that. I feel  
6 like it -- knowing the background and the situation that she  
7 was in, it would help me to know better --

8 THE COURT: You're willing to listen to the facts --

9 MS. ROBINSON: Right.

10 THE COURT: -- and evidence that's presented and --

11 MS. ROBINSON: I don't think there's any cut and dried  
12 either way.

13 THE COURT: I see. Okay, do you want to follow up on  
14 that?

15 MR. ZABRISKIE: That answered our questions. Thank you.

16 THE COURT: From the State?

17 MR. TAYLOR: Yeah, so under the law someone who's 17  
18 can be charged as an adult under certain circumstances. That's  
19 a question of law, meaning it's for Judges or others to decide,  
20 not jurors. So knowing that someone is 17, would you be willing  
21 to make your determination in this case based solely on the  
22 evidence and not based upon the defendant's age?

23 MS. ROBINSON: Yes.

24 MR. TAYLOR: Okay, you worked in the mental health  
25 field for a while; is that correct?

1 MS. ROBINSON: Uh-huh.

2 MR. TAYLOR: Now, oftentimes in the mental health field  
3 our focus is on treatment and rehabilitation and those kinds  
4 of things. Is your experience in that line of work, would that  
5 make you more sympathetic to a defendant and looking maybe for  
6 a way to help that person rather than weighing the evidence as  
7 it's presented to you?

8 MS. ROBINSON: Um, well, I -- I don't know. That's a  
9 hard --

10 MR. TAYLOR: Tough question?

11 MS. ROBINSON: -- that's a hard question.

12 MR. TAYLOR: I'm sorry.

13 MS. ROBINSON: Because I feel like I would want to see  
14 the evidence. Of course, we all have that human side of us,  
15 you know, that wants to help people. Being a nurse --

16 MR. TAYLOR: Uh-huh.

17 MR. ROBINSON: -- that's kind of my personality, but I  
18 think I would -- that's a really hard question.

19 MR. TAYLOR: So I can tell you right now.

20 MR. ROBINSON: There's so many different facets.

21 MR. TAYLOR: Sure, and I apologize. Not only was it  
22 a tough question, it was poorly phrased; but if Judge McDade  
23 were to give you an instruction that says you cannot consider  
24 sympathy or any other type of visceral type feeling, you have  
25 to rely solely on the evidence that you've been providing in

1 making your determination, could you do that?

2 MS. ROBINSON: Yes.

3 MR. TAYLOR: That's all I have. Thank you.

4 THE COURT: Anything else?

5 MR. ZABRISKIE: What was your mental health field?

6 What was your point of interest? Was it in a -- in a hospital

7 environment or --

8 MS. ROBINSON: Uh-huh.

9 MR. ZABRISKIE: You're an RN?

10 MS. ROBINSON: Yes.

11 MR. ZABRISKIE: Mental health nurse?

12 MS. ROBINSON: Uh-huh.

13 MR. ZABRISKIE: Where did you work?

14 MS. ROBINSON: Provo Canyon Behavioral Hospital.

15 MR. ZABRISKIE: I see. Thank you.

16 THE COURT: Okay, I believe that's all. Thank you.

17 MS. ROBINSON: Thank you.

18 (Ms. Robinson exits Judge's chambers)

19 THE COURT: All right, Rebecca Robinson?

20 MR. TAYLOR: Pass for cause.

21 MR. ZABRISKIE: Pass for cause.

22 THE COURT: Okay, Dennis Wade is 46. Any questions for

23 Mr. Wade? Do you have one?

24 MS. HOWARD: I forgot there was something on her. Her

25 daughter is also in the second jury pool. She notified us.



1 THE COURT: Okay.

2 COURT CLERK: Who?

3 THE COURT: Her daughter as well?

4 MR. TAYLOR: Her daughter.

5 MS. HOWARD: Yeah, her daughter is in the second pool.

6 I don't know if we'll get to her or not. I know her -- do we

7 know her number?

8 MR. TAYLOR: Her daughter's like --

9 COURT CLERK: Was that Rebecca Robinson?

10 MR. TAYLOR: -- 73, I think.

11 MS. HOWARD: How unique is that? That happens in Juab,

12 but it doesn't happen here.

13 THE COURT: So the next one, Dennis Wade.

14 MR. TAYLOR: So if she gets mad at her mom, what room

15 does she run to?

16 THE COURT: I don't know. I don't get to ask the second

17 pool of jurors whether you know somebody in the other one. What

18 are -- what are we looking at on Mr. Wade?

19 MR. TAYLOR: No. 84.

20 MR. ZABRISKIE: I have the same question.

21 MS. HOWARD: It's kind of vague.

22 MR. ZABRISKIE: Doesn't give us good guidance.

23 (Mr. Wade enters Judge's chambers)

24 THE COURT: Good afternoon, Mr. Wade.

25 MR. WADE: Good afternoon.

1 THE COURT: please have a seat. How are you today?

2 MR. WADE: Pretty good.

3 THE COURT: Just following up on responses in your  
4 questionnaire. Start with No. 84. The question was, "Meagan  
5 Grunwald was 17 years old when these crimes were allegedly  
6 committed. Do you have an opinion as to whether any minor  
7 should be charged as an adult with such serious crimes?"  
8 You've checked, "Yes," and your response was, "Depends on  
9 her mental capacity. My neighbor is 54 and mentally 13 years."

10 MR. WADE: I think I must have read that wrong. It was  
11 probably (inaudible). Yeah, my neighbor is 54. He comes over  
12 and asks me to take out the garbage, you know, because mentally  
13 he's 13.

14 THE COURT: Oh, okay.

15 MR. WADE: You know, just I feel it really depends on  
16 the mental capacity of the individual. Some people obviously  
17 may be older, mentally just not there.

18 THE COURT: All right, so if the evidence came out and  
19 (inaudible) showed that there was I guess a level of --

20 MR. WADE: Yeah.

21 THE COURT: -- would it be okay?

22 MR. WADE: I would think so.

23 THE COURT: Okay, Mr. Pead, did you want to follow up?

24 MR. PEAD: Yeah, I would. So under your law there are  
25 circumstances where a 17 year old can be charged as an adult,

1 and that's a determination that's made by Courts and others,  
2 and it's a legal determination so it's not up for juries to  
3 decide.

4 MR. WADE: I mean, I don't really want to contradict  
5 myself, but I think that probably 12 year olds should be tried  
6 as an adult, the same token.

7 MR. PEAD: Okay.

8 MR. WADE: You know, just the mental capacity.

9 MR. PEAD: I guess what I'm saying is that when it  
10 comes to this case you will be instructed that you have to  
11 make a determination based on the evidence alone, not based  
12 on whether the defendant's 17, not based on any sympathetic  
13 factors of alleged victims or alleged defendants, just on the  
14 evidence. Do you believe that you could do that?

15 MR. WADE: I do. I would have to, once again, when  
16 it comes to evidence, let's say, you know, that you've been  
17 diagnosed with something or seen that mentally they -- doctors  
18 are saying that you're, you know, a younger mental age, I guess  
19 you'd say --

20 THE COURT: Uh-huh. You could fairly and partially  
21 listen to the evidence and --

22 MR. WADE: Yeah, I think -- when it comes to the facts  
23 -- you know, it depends on the facts, yes, but that's -- didn't  
24 know the best way to answer that.

25 THE COURT: Yeah, sure. All right, anything else?

1 MR. TAYLOR: Thank you. Oh, assuming that in this case  
2 you wouldn't be presented with any medical testimony of the  
3 defendant's medical capacity, based upon your own observations  
4 throughout the trial could you respect the Judge's instruction  
5 to make your determination based on the evidence?

6 MR. WADE: I believe so.

7 MR. TAYLOR: Thank you.

8 THE COURT: Okay, sir, thank you. That's all.

9 (Mr. Wade exits Judge's chambers)

10 MR. ZABRISKIE: Pass for cause.

11 MR. TAYLOR: Yeah.

12 THE COURT: Okay, that was Mr. Wade.

13 COURT CLERK: Yes.

14 THE COURT: Amanda Boswell is 47.

15 COURT CLERK: She's a step-mother-in-law (inaudible).

16 THE COURT: Okay, 47.

17 MR. PEAD: No. 60 is (inaudible).

18 THE COURT: Amanda Boswell, 47.

19 COURT CLERK: No. 47.

20 (Several people speaking simultaneously. Unable to  
21 transcribe this portion.)

22 (Ms. Boswell enters Judge's chambers)

23 THE COURT: Ms. Boswell, how are you? Well, we're just  
24 following up on responses in your questionnaire. Going to No.  
25 60, talks about relatives or close friends in law enforcement.

1 You list your husband's stepbrother, John Pitman --

2 MS. BOSWELL: Uh-huh.

3 THE COURT: -- as being with the West Valley Police

4 Department. Still there or --

5 MS. BOSWELL: As far as I know. I see him at UVU when

6 (inaudible).

7 THE COURT: So the association isn't -- is --

8 MS. BOSWELL: No.

9 THE COURT: -- kind of a distant one; but all right, as

10 far as you know he's still in law enforcement?

11 MS. BOSWELL: As far as I know.

12 THE COURT: Okay, any reason why your knowledge of that

13 would cause you to have an opinion one way or another on police

14 officers, knowing that officers will be testifying in this

15 matter as well?

16 MS. BOSWELL: No.

17 THE COURT: No? Okay.

18 MR. TAYLOR: Comments on the left.

19 MR. PEAD: When is the last time that you saw your

20 husband's stepbrother?

21 MS. BOSWELL: Maybe about two years ago (inaudible).

22 MR. PEAD: (Inaudible)?

23 MS. BOSWELL: Yeah.

24 MR. PEAD: Thank you.

25 THE COURT: Anything else?

1 MR. TAYLOR: No.

2 THE COURT: All right, thank you. That's all.

3 (Ms. Boswell exits Judge's chambers)

4 THE COURT: Pass?

5 MR. TAYLOR: Pass for cause.

6 MR. ZABRISKIE: Pass for cause, your Honor.

7 THE COURT: Okay, how close are we? How many more do  
8 we need?

9 COURT CLERK: One.

10 THE COURT: Pauline Iverson is 49.

11 MR. ZABRISKIE: I have a question for 49.

12 THE COURT: Okay, 49, Pauline Iverson.

13 MR. PEAD: We have a question No. 56 as well.

14 THE COURT: What number were you?

15 MR. ZABRISKIE: We have 68.

16 COURT BAILIFF: No. 68.

17 THE COURT: So 56, 59 through 68? Okay.

18 MS. HOWARD: Did you say 68?

19 MR. ZABRISKIE: I thought that's what it said.

20 MS. HOWARD: Well, there's nothing written.

21 MR. ZABRISKIE: Well, I put (inaudible) that's why we  
22 had a question.

23 (Ms. Iverson enters Judge's chambers)

24 THE COURT: Good afternoon, Ms. Iverson.

25 MS. IVERSON: Thank you.

1 THE COURT: Appreciate your patience.

2 MS. IVERSON: Thank you for your patience with me. I'm  
3 slow. Slow and old.

4 THE COURT: Well, we're just going over responses on  
5 the questionnaire, I'm sure you're aware.

6 MS. IVERSON: Yes.

7 THE COURT: We got to, let's see --

8 MR. ZABRISKIE: Ours was on No. 56.

9 THE COURT: Yeah, 56 was, "Have you ever been called to  
10 serve on a jury?" You put "Yes, back in 2012 or 2013."

11 MS. IVERSON: Uh-huh.

12 THE COURT: You checked that was a civil case. Did you  
13 actually serve in that jury?

14 MS. IVERSON: No, I didn't.

15 THE COURT: You were called as a -- as a juror, but  
16 wasn't selected?

17 MS. IVERSON: Selected, right.

18 THE COURT: All right.

19 MS. IVERSON: It was over in Springville.

20 THE COURT: Springville civil case, okay.

21 MS. IVERSON: I think that's what it was, yeah.

22 THE COURT: All right, so you went through a little bit  
23 of a process.

24 MS. IVERSON: Yes, (inaudible) what was going on here.

25 THE COURT: Okay, was it a good experience with the

1 justice system? Did you have any problems with what went on  
2 or --

3 MS. IVERSON: No, the only difference that I've noticed  
4 is that their questionnaire was a -- seemed like more of an  
5 essay. They wanted, you know, an explanation on everything,  
6 and I didn't know how to answer half of them. So this one was  
7 a "yes," "no," and if there was a "yes," you'd just go all the  
8 way. You know, (inaudible), which I liked --

9 THE COURT: Okay.

10 MS. IVERSON: -- a lot better, so --

11 THE COURT: All right. Well, that's good. Other  
12 questions?

13 MR. ZABRISKIE: You're making us all feel good because  
14 (inaudible) participating.

15 MR. PEAD: When was that trial?

16 MS. IVERSON: In 20 -- 15 now. Maybe in '13, 2013  
17 maybe.

18 MR. PEAD: Were you before Judge Fenstermaker?

19 MS. IVERSON: I can't remember.

20 MR. PEAD: Springville, lady Judge?

21 MS. IVERSON: It was a guy that -- a guy Judge.

22 THE COURT: Okay.

23 MR. ZABRISKIE: Did you learn the outcome on that case?

24 MS. IVERSON: Yes, I heard about it on the news. The  
25 person -- I can't remember if it was (inaudible) or whatever --



1 who he was, but he was found not guilty.

2 MR. PEAD: So was it a civil case or was it a criminal  
3 case?

4 MS. IVERSON: You're forgetting, I'm an old woman  
5 (inaudible). I really can't remember.

6 MR. PEAD: Okay, so you followed it a little bit, but  
7 you weren't involved in --

8 MS. IVERSON: A little bit.

9 MR. PEAD: -- but you weren't involved in the outcome?

10 MS. IVERSON: No.

11 MR. PEAD: Okay, thank you.

12 MS. IVERSON: You're welcome. Anytime.

13 THE COURT: No. 74 says, "Do you have difficulty making  
14 decisions regarding important matters?" and you put, "Some-  
15 times."

16 MS. IVERSON: Yeah, sometimes. Just to -- you know,  
17 sometimes I'm wishy washy and I'm not sure. You know, in other  
18 words, somebody will say something "Oh, gads, I believe that."  
19 Then I'll hear something I think (inaudible). Sometimes, you  
20 know, I think I would probably have a hard time here, trying to  
21 decide --

22 THE COURT: Okay.

23 MS. IVERSON: -- if they're guilty or not guilty. You  
24 know, but I-- you know, my husband tells me, he says, "Whatever  
25 your case is," he said, "Just try to listen to all the opposing

1 facts, and try to make a decision on that," so --

2 THE COURT: Okay. All right.

3 MR. ZABRISKIE: Can I ask you a question. If you're to  
4 serve on this jury at the end of a trial do you feel like you  
5 could make a decision that's all your own?

6 MS. IVERSON: I'd try. You know, I -- you know, I'd  
7 say I don't know, because sometimes I have a hard time deciding  
8 for sure on things. You know, so I -- I'm hoping that I could,  
9 but I just don't know. Please cancel me. Please take me off.

10 MR. ZABRISKIE: Since I've already annoyed you, I'll  
11 ask you another one.

12 MS. IVERSON: Oh, okay.

13 MR. ZABRISKIE: Let's say-- again, just a hypothetical.  
14 Let's say you come to the end of the trial --

15 MS. IVERSON: Uh-huh.

16 MR. ZABRISKIE: -- and there is a female -- a bunch of  
17 jurors who say, "I think the outcome of this case needs to be  
18 A," and in your mind you say, "You know what, I think it's  
19 going to be B" --

20 MS. IVERSON: Uh-huh.

21 MR. ZABRISKIE: -- and they try and tell you, "No, we  
22 think it's A," and it's okay, to listen to one another people,  
23 but let's say that after you've discussed the case at length  
24 with them, you still think it's B, not A --

25 MS. IVERSON: Uh-huh.

1 MR. ZABRISKIE: -- would you feel confident sticking to  
2 your opinion even if it was disagreeing with other people?

3 MS. IVERSON: I think so.

4 MR. ZABRISKIE: Okay.

5 THE COURT: Anything else?

6 (No verbal response)

7 THE COURT: Okay, that's all. Thank you.

8 MS. IVERSON: I have one question, your Honor, too.

9 THE COURT: Sure.

10 MS. IVERSON: I do have some medical problems.

11 THE COURT: Okay.

12 MS. IVERSON: I have sleep apnea. So I don't know if  
13 that would be something to look at. I put no, I didn't have  
14 any problems, but I was thinking of my husband. My husband  
15 does have cancer, and I was thinking of him instead of me; and  
16 I do have sleep apnea. So I don't know if that would make a  
17 difference.

18 THE COURT: It possibly could. I mean, I've handled  
19 civil cases where I've really felt like I had that, too, and I  
20 had to stay awake, but --

21 MS. IVERSON: Yeah.

22 THE COURT: -- if that is a concern for you, then we  
23 definitely want you to advise and let us know.

24 MS. IVERSON: Yeah.

25 THE COURT: It might cause you some problems trying to-

1 MS. IVERSON: Especially --

2 THE COURT: -- pay attention and know what's going on.

3 MS. IVERSON: -- yeah, especially -- especially if I'm  
4 sitting all day long here and I start, you know, dozing off,  
5 you know.

6 THE COURT: Again --

7 MS. IVERSON: So I don't want to, you know, have that  
8 be a hindrance to you guys and not me being able to pick up if  
9 I happen to doze off or something.

10 MR. ZABRISKIE: We'll wake you up.

11 MS. IVERSON: Will you? Promise?

12 THE COURT: You make a loud noise and we'll wake you  
13 up.

14 MS. IVERSON: Probably somebody will throw (inaudible).

15 THE COURT: All right, appreciate it. Thank you.

16 MS. HOWARD: Uh-huh, thank you. Thank you very much.

17 (Ms. Iverson exits Judge's chambers)

18 COURT CLERK: Do you want to call 44 back? Have we  
19 called him yet?

20 THE COURT: Who?

21 COURT CLERK: No. 44.

22 THE COURT: No. 44?

23 MR. TAYLOR: Bryan Fail.

24 COURT CLERK: Since they stipulate.

25 THE COURT: Yeah, let's -- Iverson?

1 COURT CLERK: No. 44?

2 THE COURT: Hold on, hold on.

3 COURT CLERK: Okay, hold on.

4 THE COURT: Iverson?

5 MR. TAYLOR: I -- I pass her.

6 MR. ZABRISKIE: Pass.

7 THE COURT: All right, she will be the last one, then.

8 Yeah, let's bring back 44, then.

9 MR. ZABRISKIE: I think she could be feisty in some

10 ways, but -- well, you get the last word. I don't know if I

11 like where --

12 THE COURT: Ms. Howard, is that 22?

13 MS. HOWARD: No. 22, your Honor.

14 THE COURT: Do you have 22, then, Mr. Zabriskie?

15 MR. ZABRISKIE: I think so. Apparently yeah.

16 THE COURT: Wow, we're (inaudible).

17 (Mr. Fail enters Judge's chambers)

18 THE COURT: Thank you, Mr. Fail. I'll let you know

19 that it's been agreed upon by the parties that you can be

20 excused from serving as a member of this jury. I want you

21 to know we appreciate you being here and thank you for your

22 patience especially. You will be taken off the juror's list

23 until the next cycle, whenever that is, but I -- again, thank

24 you so much for being here.

25 MR. FAIL: Thank you.

1 MR. PEAD: How many do we need?

2 MR. ZABRISKIE: 22.

3 THE COURT: We're doing 2 alternates. So we need 10.  
4 How many do we have?

5 COURT CLERK: (Inaudible).

6 THE COURT: So that -- you'd start with 4 peremptories,  
7 so with the alternates you get 2 additional. So that should  
8 take us 22. Let's go through this. I've got No. 1, No. 3,  
9 No. 5, No. 8, No. 10, No. 12, No. 15, No. 17, No. 19, No. 22,  
10 No. 23, No. 27, No. 31, No. 32, No. 33, No. 36, No. 40, No. 42,  
11 No. 45, No. 46, No. 47, and No. 49 that all passed. Does that  
12 coincide with everybody's list?

13 MS. HOWARD: Uh-huh.

14 MR. PEAD: Yes, it does.

15 MR. ZABRISKIE: It does.

16 THE COURT: That gets us to 22. Okay, so what I'm  
17 going to do is I'll highlight under 49 as to where we need to  
18 stop, and I'll show both of you how I've done this. The ones  
19 that are stipulated to as a challenge for cause I've X'd here.  
20 Anybody that's an open space where the X is and there's nothing  
21 they're the ones we need to work with. I've also lined through  
22 the ones that are excused. So you wouldn't want to pick any of  
23 those.

24 Okay, what I intend to do, then, is from 50 onto 60,  
25 I'm going to go up and tell the other people that are sitting

1 in Room 301 that they're excused as well for today. I am ready,  
2 then, to go with peremptories, as soon as we take a short break  
3 maybe 15 minutes or so to get ready.

4 MR. ZABRISKIE: Yeah, that would be good.

5 THE COURT: But again, if you'd let me go out and tell  
6 these people -- what I'm going to do, I'll tell the ones that  
7 are going to have to stay for peremptories. There will be 22  
8 of them, and everybody else will be excused. Does that sound  
9 like a plan?

10 MR. PEAD: Yes.

11 MS. HOWARD: That does.

12 MR. PEAD: I'm just a little nervous, Judge, about  
13 excusing right at that -- that point where we don't have any  
14 wiggle room at all.

15 THE COURT: As far as?

16 MR. PEAD: As far as --

17 THE COURT: Oh, as far as the 22?

18 MR. PEAD: -- yeah, as far as the 22. If something  
19 were to happen and we -- I'm -- you know, are we okay? Maybe  
20 we're okay.

21 THE COURT: What would be the suggestion, then?

22 MR. PEAD: Well, let's see, so we have up through 60 in  
23 the courtroom?

24 COURT CLERK: There's 6 left.

25 MR. PEAD: There's 6 left?

1 MR. ZABRISKIE: Up to 22, so probably 28?

2 THE COURT: Yeah, so --

3 MR. PEAD: I'm just wondering, could we leave those  
4 extra 6 in there, Judge, and just --

5 THE COURT: Just go with the 22 and have them sit  
6 through peremptories?

7 MR. PEAD: Yeah.

8 MR. ZABRISKIE: The last trial I did, I don't know how  
9 we did it, but we came up to a juror short, and we had bailiffs  
10 running around the parking lot --

11 THE COURT: Trying to find them?

12 MR. ZABRISKIE: -- Counsel, we're trying to run down  
13 the jurors that just walked out of the courtroom because we  
14 figured it out right after a few minutes.

15 THE COURT: Well, I'm sure they've figured out where  
16 we're at. I mean --

17 MR. PEAD: No, and I -- and I believe that you're --  
18 because I came up with, yeah, 22.

19 THE COURT: Okay, the concern is one of these 22 might  
20 cause an issue with peremptories and then we'd get stuck?

21 MR. PEAD: That's the only thing that I'm thinking of.

22 MR. ZABRISKIE: Yeah.

23 THE COURT: I'm okay with that.

24 MR. PEAD: Okay, thank you.

25 THE COURT: I think they'd be -- realistically I think



1 they would understand.

2 MR. ZABRISKIE: Do you want to keep them around until  
3 we've all exercised our peremptories, and then we know for a  
4 certainty --

5 MR. PEAD: That's what I was hoping.

6 THE COURT: So then what I can do, then, is we'll just  
7 all go out like I normally would and --

8 MR. PEAD: Yeah.

9 THE COURT: -- if we didn't have so many jurors, and  
10 I'll get on the bench and say we're to peremptories now, and go  
11 from there.

12 MR. PEAD: You'll give us about 10, 15 minutes just to  
13 be prepared?

14 THE COURT: Yeah, yeah. Be careful in discussing --

15 MR. PEAD: Sure.

16 THE COURT: -- the matters (inaudible). Anything else  
17 before we get going? What I'm going to do, then, is I'm going  
18 to sign these preliminary instructions, get copies made during  
19 that time. Again, you heard, Mr. Zabriskie, that I was going  
20 to on the instruction with regard to Amended Information I was  
21 going to read that. Just going to start with my heading and  
22 then go with what Mr. Pead had submitted as far as taking out  
23 felony language and things like that. You've seen this already?

24 MR. ZABRISKIE: Yeah.

25 THE COURT: That's all I'm going to do, then, is I will

1 start right here and read through.

2 MR. ZABRISKIE: Because some of those crimes have  
3 felony discharge and --

4 THE COURT: When it gets after Count No. XII I'll go  
5 back to my language in the --

6 MR. ZABRISKIE: Okay.

7 THE COURT: -- in the Information, so okay? Then I  
8 think we're going to be ready for opening arguments today.

9 MR. TAYLOR: About --

10 THE COURT: I'd say around --

11 MR. TAYLOR: -- 3'ish?

12 THE COURT: Well, I would say about 3:30, knowing how  
13 peremptories and the time that will take. I don't know, maybe  
14 about 3. So we'll inform Ms. Vroman up at ALC and --

15 COURT CLERK: She's on her way down.

16 THE COURT: Okay, anything else, then, before we go  
17 out?

18 MR. TAYLOR: So at like 2:30 -- or sorry, 2:25, we'll  
19 be back in the courtroom?

20 THE COURT: Yeah, we'll let you know.

21 MR. ZABRISKIE: Let's make it 2:30 for sure.

22 THE COURT: Okay, it's just I don't want to keep these  
23 people any longer than we have to.

24 MR. ZABRISKIE: Yeah, is 2:30 okay, though?

25 THE COURT: In the courtroom it's already probably

1 (inaudible).

2 MR. TAYLOR: I think that will expedite our peremptory  
3 process.

4 THE COURT: It's a little ahead. It's for the State to  
5 make sure they come earlier than 8:30 every day.

6 MS. HOWARD: Your courtroom clock is off?

7 THE COURT: I think it's a little fast.

8 MS. HOWARD: That's funny.

9 THE COURT: Well, done, Counsel.

10 (Recess taken)

11 COURT BAILIFF: All rise. Court is now in session.

12 THE COURT: Thank you. Please be seated. All right,  
13 we're back on the record in State of Utah vs. Meagan Grunwald  
14 matter. Defendant is present with Counsel, as well as the  
15 State's Counsel. All members of the jury that haven't been  
16 excused are still here. Appreciate that.

17 All right, so we took care of challenges in chambers.  
18 Some of you participated in that, some of you have not; but it  
19 went pretty smoothly. Maybe a little bit longer than you'd  
20 hoped, but I think as far as Counsel and I expected, it went  
21 real well and very fairly quickly. So I'm going to ask Counsel  
22 now if they can pass the panel for cause at this point.

23 MR. PEAD: Yes, the State does, Judge.

24 THE COURT: Mr. Zabriskie, pass the panel for cause at  
25 this point?

1 MR. ZABRISKIE: Pass for cause, your Honor.

2 THE COURT: Thank you. All right, so what we're going  
3 to do now is we'll take up peremptory challenges, and I'll  
4 talk a little bit about that, but I'm going to hand the list  
5 to Counsel. So the lawyers in this matter will now exercise  
6 their respective peremptory challenges. That allows them to  
7 select by excluding persons from the jury list based upon  
8 general impressions.

9 Again, sometimes this takes a little bit of time,  
10 sometimes it doesn't take any time. It just depends on who is  
11 left and what they're looking at. So we'll wait a few minutes  
12 for them to complete that selection process. I will read the  
13 names, then, of those who will need to remain and hear the  
14 case. Everybody else will be excused.

15 It's kind of like when we were smaller, trying to pick  
16 teams, maybe red rover type. You know, you're trying to look  
17 for the ones that you feel are the best for your team. So we  
18 go one side to the other, one side to the other until we --  
19 until we get the people that we want. That's something similar  
20 to what it might be like.

21 I wanted to also express my gratitude to you once  
22 again for being here. The process is very interesting, from  
23 my standpoint. I've been a Judge now I'm in my eighth year.  
24 I'm done with my eighth year almost, and I'm never amazed at --  
25 I'm always amazed, I should say, at all the things that I get

1 to see back here, including all the people I get to meet.

2 Our system is the best around, and it's that way  
3 because of you and your willingness to be here and participate.  
4 I honestly believe that. Even though it is taking time out of  
5 your lives, I hope that it's been a good experience for you  
6 and that you'll go away knowing that you had an opportunity.  
7 Those of you that have to stay, it may be challenging, it may  
8 be tough, but I think you'll enjoy that experience as well.

9 Hopefully you will go out to others and say, "It's  
10 not so bad." Even though they get their jury letters, they  
11 might want to say -- I want you to tell them, "Hey, it's okay.  
12 You're going to be fine," because when they get those letters  
13 in the mail I know what it's like, okay? So I do appreciate  
14 your being here. If you are excused and you need a letter for  
15 your employer, Amber has those, just to make sure that you were  
16 actually here in Court, rather than vacationing somewhere on  
17 this jury day, okay? We do have those.

18 (Counsel exercising peremptory challenges)

19 THE COURT: Does this constitute the jury as selected,  
20 Mr. Zabriskie?

21 MR. ZABRISKIE: It does, your Honor.

22 THE COURT: Thank you. All right, I'll go ahead and  
23 read the list of those who will be required to stay. Once  
24 again, those who are not required to stay I appreciate your  
25 being here and excuse you with my gratitude. Also, if you

1 need letters we will have those here present. Those of you  
2 that are required to stay, I'll re-seat you, and we plan to  
3 go forward as is and we'll try and do that as swiftly as we  
4 can and respectfully as well.

5 All right, so those required to stay are Ramona Best,  
6 Stacy Betts, Connie Thalman, Harmon Hatch, Teri Carter, Cheryl  
7 Miller, Heidi Spencer, Christina Henry, Amanda Boswell and  
8 Pauline Iverson. Those who I've called out I'll need to re-  
9 number you with Ms. Best being in seat No. 1, okay? Those of  
10 you who were not selected, again, thank you very much. Like I  
11 say, we do have letters, and if we could just -- I guess if you  
12 have them right there, Amber, or are you going to come over  
13 here?

14 COURT CLERK: I can (inaudible).

15 THE COURT: Okay. All right, again, you're excused.  
16 Thank you. Let's go ahead and rise.

17 (Those not selected for jury exit the courtroom)

18 THE COURT: So Ms. Best will be in seat 1; Ms. Betts in  
19 seat 2 -- I'm sorry, Mr. Betts in seat 2; Ms. Thalman in seat  
20 3; Mr. Hatch, seat 4; Teri Carter, you'll be in No. 5 on the  
21 end; Cheryl Miller will be up here in seat No. 6; Heidi Spencer  
22 right next to her in seat 7; Christina Henry in seat 8; Amanda  
23 Boswell, then, in seat 9; and then Pauline Iverson in seat 10.

24 All right, please be seated, Counsel. Do either  
25 Counsel have any objection, question or concern regarding the

1 selected jury?

2 MR. THOMAS: No, your Honor.

3 MR. ZABRISKIE: No, your Honor.

4 THE COURT: This is the jury as selected?

5 MR. ZABRISKIE: It is.

6 THE COURT: Thank you. All right, what I need to do,  
7 then, is swear you in once again. Let's go ahead and have you  
8 rise.

9 COURT CLERK: Raise your right hands. You and each of  
10 you do solemnly swear that you will well and truly try the case  
11 in issue and a just verdict give between the State of Utah and  
12 the defendant according to the law and the evidence, so help  
13 you God?

14 (Jurors affirm the oath)

15 THE COURT: Thank you. Go ahead and be seated. We're  
16 going to go ahead and hand out binders to you right now. In  
17 that binder will be a note pad, should be a pen, and as well a  
18 document entitled "Preliminary Jury Instructions."

19 Counsel, you've had a chance to previously review the  
20 preliminary jury instruction. No objection to those?

21 MR. TAYLOR: No objection from the State.

22 THE COURT: Counsel?

23 MR. ZABRISKIE: No objection, your Honor.

24 THE COURT: All right. Now, the process for handling  
25 peremptory challenges took a little longer than I expected, but

1 not really. So I plan to go over these preliminary instructions  
2 right now with you. It may take about 15 minutes. Do each of  
3 you think you can hang in there for that or do we need to take  
4 a break now?

5 After that I plan to let you then go ahead and call  
6 those who you need to call, let them know where you're going to  
7 be for the next couple of weeks, except for on the weekends, as  
8 well as your employer and let them know where you're at; but I  
9 would like to get through these if it's okay with you. I want  
10 to make sure that you're all comfortable.

11 This is important we get through these instructions,  
12 but if we do need a break I'll be happy to do that as well. Is  
13 there anyone that needs to have that break right now and we can  
14 take care of it, or shall we just go ahead and push forward?

15 (No verbal response)

16 THE COURT: All right. All right, if you'll pull out  
17 that document that's entitled "Preliminary Jury Instructions."

18 (Court reads preliminary jury instructions to the  
19 jury. Please refer to Court file for these.)

20 THE COURT: I want to mention one other thing about  
21 cell phones. Again, you heard the instruction on the Internet  
22 and things like that. At this point, now that you are jurors,  
23 I will confiscate your phones while serving as jurors.

24 In other words, anytime that you're in here and the  
25 deliberation room, Pona will have your phones in a secure



1 place. So that means when we come back from recesses or from  
2 when you go home, if you don't want to bring your phone, it's  
3 understandable; but if you do bring it, Pona will take it and  
4 put it in a secure place until such time as he can give it back  
5 to you, okay? I know that --

6 MR. ZABRISKIE: (Inaudible), your Honor, before the  
7 Court allows a recess.

8 THE COURT: Okay, sure; but other than that --

9 (The following is a discussion with Court and Counsel  
10 at the bench.)

11 MR. ZABRISKIE: If they recess they'll get back pretty  
12 close to 4 o'clock.

13 THE COURT: I'm not going to let them stay out that  
14 long.

15 MR. ZABRISKIE: Well, the only problem is, is our  
16 closings could go --

17 THE COURT: Openings?

18 MR. ZABRISKIE: -- openings could go two hours. They  
19 may not, they may. I don't know; it depends on what --

20 MR. TAYLOR: Well, Ms. Howard thinks hers is about 45  
21 minutes.

22 MR. ZABRISKIE: And ours is going to be an hour. That  
23 puts us on top of 5 o'clock. We do have -- we'd like to review  
24 something with our client before they take her back, and they  
25 start at 5. We would ask that this matter be programmed to do

1 openings in the morning, and keep it close to the evidence.  
2 If it goes past what we anticipate then we don't want to be  
3 pressed for time anyway.

4 THE COURT: I think that's appropriate.

5 MR. ZABRISKIE: Okay.

6 THE COURT: I'll go ahead and do that and then we'll  
7 start -- be here at 8:30 and we'll start at 9. Is that okay,  
8 Mr. Pead?

9 MR. PEAD: Can we start at 8:30 or --

10 THE COURT: It depends on what the jury is. Sometimes  
11 they have to get people here and there, but I'll ask.

12 MR. PEAD: Yeah, as soon as we can after 8:30.

13 THE COURT: Yeah.

14 MR. PEAD: Okay.

15 MR. ZABRISKIE: There are a couple of housekeeping  
16 matters, too, that we want to take care of outside of the  
17 presence of the jury here this evening.

18 THE COURT: Okay.

19 MR. ZABRISKIE: Just for efficiency sake it can be  
20 taken care of just as well tomorrow morning.

21 MR. TAYLOR: We're just going to (inaudible).

22 THE COURT: We'll talk about it.

23 MR. TAYLOR: (Inaudible).

24 MR. ZABRISKIE: Okay, thanks, Judge.

25 (End of bench conference)

1 THE COURT: All right, so change of plans, which I'm  
2 sure you'll be happy about. Rather than take a recess and come  
3 back, we're going to start with opening arguments tomorrow  
4 morning. So what that means is these instructions become even  
5 more important now. You'll be free to go today. Pona will let  
6 you know where you need to come back, where -- I guess what  
7 room he'll want you to be at in the morning.

8 I would like to have you here at 8:30, unless if  
9 somebody has something, you know, very vital that needs to be  
10 taken care of. Sometimes we have young kids that need to be  
11 taken to school or whatever; but at this point I would like to  
12 have you back at 8:30. We would start promptly thereafter. So  
13 does that cause a concern for anybody?

14 (No verbal response)

15 THE COURT: All right, again, 8:30 in the morning.  
16 Please let your family know and employers where you're going  
17 to be for the next little bit of time. I want you to know that  
18 your participation is very much appreciated at this time. I  
19 know that it's going to be an inconvenience, but we hope that  
20 will be beneficial to everyone involved. Okay, anything else,  
21 Counsel, before we allow the jury to recess?

22 MR. TAYLOR: Not from the State.

23 THE COURT: Okay. Yes, ma'am.

24 JUROR: I do have one question. This week we did not  
25 come on Monday, but will we be coming next Wednesday?

1 THE COURT: Yes, we will. From -- okay, so as far as  
2 dates go we're coming every day the remainder of this week and  
3 every day next week; Monday, Tuesday, Wednesday, Thursday. If  
4 for some reason the case concludes before then, some of those  
5 days may not go; but at this point we're scheduled for at least  
6 nine days. So all right. Any other questions?

7 (No verbal response)

8 THE COURT: All right.

9 COURT BAILIFF: All rise for the jury.

10 THE COURT: You can leave your binders there, if you'd  
11 like, and they'll still be in the same place.

12 COURT BAILIFF: You can bring them back to the jury  
13 room as well.

14 (Jury exits the courtroom)

15 THE COURT: Thank you. Please be seated.

16 MR. ZABRISKIE: Your Honor, can we have a brief recess  
17 before we address these other issues?

18 THE COURT: Sure.

19 (Recess taken)

20 COURT BAILIFF: All rise. Court is in session.

21 THE COURT: Thank you. Please be seated. All right,  
22 we're back on the record in State of Utah vs. Meagan Grunwald  
23 matter. Defendant is present with Counsel, as all Counsel for  
24 the State. There's some housekeeping things you wanted to take  
25 care of?

1 MR. ZABRISKIE: Yes, there are, if I may address the  
2 Court.

3 THE COURT: Okay.

4 MR. ZABRISKIE: What the defense wanted to accomplish  
5 this afternoon with motions is that there were two pretrial  
6 motions that we filed and argued -- had evidentiary hearings,  
7 argued, and the Court made rulings on those. Those are dealing  
8 with the blood sample that we intend to -- or that we motioned  
9 the Court to suppress and also content found in the defendant's  
10 safe that we motioned the Court to suppress.

11 We wanted to renew those motions as part of the trial  
12 record, just to -- as a matter of housekeeping, renew those  
13 motions here today. We're not intending to argue them on the  
14 merits. I know that the Court has already considered those,  
15 but we just wanted to make those incorporated into the trial  
16 record.

17 THE COURT: Okay.

18 MR. ZABRISKIE: So if the Court would then -- I antici-  
19 pate the Court will also incorporate its rulings into the trial  
20 record as well, or its orders as it pertains to those two  
21 motions.

22 THE COURT: With regard to those two motions I still  
23 have pending orders that have not been signed. My intent is to  
24 sign those, but I hadn't been aware of, Mr. Pead, whether you'd  
25 contacted defense and were able to compromise on the order or

1 where we were at.

2 MR. PEAD: I think the defense objected to those. So  
3 they filed objections to how I filed it. I think their main  
4 objection -- correct me if I'm wrong, Rhome -- is wanting to  
5 spell out the specific facts that underlie probable cause.

6 My understanding of the Court's ruling is that  
7 probable cause was ruled as a totality based on what the  
8 contents of the affidavits in support of those two search  
9 warrants. So I did not go into specifics and I frankly don't  
10 think it's necessary. I'm satisfied with the way the orders  
11 are written.

12 MR. ZABRISKIE: That's a correct summary, and we're  
13 not going to waive our objection. We'll just allow the Court  
14 to sign its order --

15 THE COURT: Okay. All right, I'll take --

16 MR. ZABRISKIE: -- with our objection pending.

17 THE COURT: -- I'll take notice of your resubmitting  
18 that motion. For purposes of the hearing I will still deny  
19 those motions as I did previously based upon the same reasoning  
20 I had before, and I intend to sign then the orders that have  
21 been submitted by the State.

22 MR. ZABRISKIE: Thank you very much, Judge.

23 MR. PEAD: Thank you, Judge.

24 THE COURT: Anything more that we need to do on that?

25 MR. PEAD: I don't believe so.

1 THE COURT: What about any additional housekeeping  
2 matters?

3 MR. ZABRISKIE: We don't have anything additional.

4 THE COURT: Okay.

5 MR. ZABRISKIE: So we'll be back here tomorrow morning  
6 8 o'clock?

7 THE COURT: 8:30 you can get here, you know, 8:15 and  
8 get things set up however you want. Well, what time do you  
9 plan to be here?

10 COURT BAILIFF: Jurors will be here at 8:30. I could  
11 be here anytime you want.

12 THE COURT: Yeah, probably we'll have somebody here at  
13 8 o'clock to open up and get you set up and things like that.

14 MR. ZABRISKIE: Yeah, we'd like a few minutes before  
15 to set up or projector. I think the State has that same issue.  
16 They've got to make sure we get everything and calibrate the  
17 screen.

18 MR. PEAD: I think we'll be here at 8 to do that.

19 MR. ZABRISKIE: Okay.

20 THE COURT: Remember our decorum order that's in place.  
21 It applies to Counsel as well. Except for those parts of the  
22 order that I've allowed certain things. As you're aware, we've  
23 had some issues before regarding electronics that, you know, go  
24 off and we don't have -- in fact, you never know when you press  
25 the play button on your phone and you should be just looking

1 at it without the audio but sometimes you hit that and we'll  
2 confiscate, and I'm going to be serious about that and hold you  
3 guys to that, as well as everybody that's in the public on that  
4 decorum order.

5 MR. ZABRISKIE: Appreciate that.

6 THE COURT: So much the concern there, so -- okay?

7 MR. ZABRISKIE: Thank you, Judge.

8 MR. TAYLOR: Thank you, your Honor.

9 THE COURT: Anything before we recess for the day?

10 MR. TAYLOR: No.

11 THE COURT: I am working on final jury instructions  
12 as well as the final verdict form. So it will probably be an  
13 ongoing process through this week, and then I'll get those out  
14 to you probably first part of next week so that you can review  
15 those throughout the week and see where we need to go when that  
16 time comes.

17 MR. PEAD: I did -- I did notice one thing in what  
18 I submitted, your Honor. So prior to the aggravated murder  
19 and murder alternative counts for Count I, I had a general  
20 instruction on aggravated murder and a general instruction  
21 on murder. Then below that I said that the following two  
22 instructions will address murder. It's actually one. So I  
23 don't know if the Court caught that, but I caught that when I  
24 went back through those.

25 THE COURT: Okay. All right, and we'll make sure that



1 when we get to that point we'll get it right, okay?

2 MR. PEAD: Perfect.

3 THE COURT: Okay, anything else?

4 MR. TAYLOR: No, your Honor.

5 MR. ZABRISKIE: No.

6 THE COURT: All right, we'll see you first thing in the  
7 morning.

8 MR. PEAD: Thank you, Judge.

9 MR. ZABRISKIE: Judge, one request, though. Can we use  
10 the jury room for a few minutes to review some video footage  
11 with her, with the defendant?

12 MR. TAYLOR: I think we'll be leaving if you want to  
13 stay in here.

14 MR. PEAD: Yeah.

15 MR. ZABRISKIE: Okay, that will be fine.

16 THE COURT: Yeah, probably be best that we stay in  
17 here. You know, I'm not sure how other Judges feel. I don't  
18 necessarily have a problem, but there are those that say, "We  
19 don't want --"

20 MR. ZABRISKIE: (Inaudible).

21 THE COURT: Yeah, but we'll go ahead and bring the TV  
22 in here if you would. Do you need the TV?

23 MR. ZABRISKIE: Oh, no, we're just using our computers.

24 THE COURT: Okay, that's fine. We're going to lock up  
25 as soon as we're done here and clear everybody out except for

1 deputies.

2 MR. ZABRISKIE: Thank you, Judge.

3 THE COURT: Okay, we'll see you in the morning. Thank  
4 you.

5 COURT BAILIFF: All rise.

6 (Trial continued to April 29, 2015)

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