

J2411H1  
SAN MATEO CJIS  
ORGANIZATION: SC

SUPERIOR COURT - HALL OF JUSTICE & RECORDS  
IN AND FOR THE COUNTY OF SAN MATEO

02/09/04  
15:54

CASE NO. SC055500 A      DATE: 02/09/04      TIME: 09:00      DEPT.: 42

PEOPLE VS. SCOTT LEE PETERSON

JUDGE:	ALFRED A DELUCCHI, JUDGE	CLERK:	MARYLIN MORTON
REPORTER:	LINDA SWANNER	2ND CLERK:	NONE
D.A.:	DISTASO/D.HARRIS	DEFENSE CO:	GERAGOS/P.HARRIS

PROCEEDINGS: MOTIONS

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CHARGES: 1. PC 187(A) W/PC 12022.9(A) W/PC 190.2(A)(3)  
2. PC 187(A)

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8:30 - 9:20 A.M.: COURT AND COUNSEL MET IN CHAMBERS TO  
DISCUSS THE TRIAL SCHEDULE.

9:29 A.M. : COURT CONVENED. COUNSEL PRESENT. DEFENDANT  
PRESENT IN CUSTODY.

THE COURT AND ATTORNEYS HAVING REVIEWED THE TRANSCRIPT  
OF THE FEBRUARY 2, 2004 PROCEEDINGS AND THERE BEING NO  
CORRECTIONS, IT IS ORDERED THAT THE TRANSCRIPT OF  
FEBRUARY 2, 2004 IS CERTIFIED.

UPON THE COURTS OWN MOTION AND IN COMPLIANCE WITH THE  
LAW AND FOR THE REASONS FULLY STATED ON THE RECORD, THE  
PC 190.2(A)(3), SPECIAL CIRCUMSTANCES: MULTIPLE MURDERS  
ALLEGATION ATTACHED TO COUNT 2 IS STRICKEN.

INFORMATION/INDICTMENT AMENDED TO STRIKE ALLEGATION NO.  
1 AS TO COUNT 2, TO WIT: SPECIAL ALLEGATION PURSUANT TO  
PC 190.2(A)(3).

ALLEGATION NO. 1 AS TO COUNT 2, TO WIT: SPECIAL  
ALLEGATION PURSUANT TO PC 190.2(A)(3), STRICKEN.

KARL OLSON, COUNSEL REPRESENTING THE PRINT MEDIA  
ADDRESSED THE COURT REGARDING TWO ISSUES:

1. WITNESS LISTS PROVIDED TO THE COURT SHOULD NOT BE  
SEALED.

2. IDENTIFICATION OF THE PROSPECTIVE JURORS NAMES SHOULD BE PROVIDED TO THE MEDIA. THE COURT STATED VOIR DIRE WILL BE OPEN TO THE PUBLIC, BUT THE CONFIDENTIALITY OF THE JURORS NAMES IS AN ISSUE.

THE ISSUE OF THE WITNESS LIST IS ARGUED BY DAVID HARRIS ON BEHALF OF THE PEOPLE. MR. HARRIS SAID THE WITNESS LIST IS MOOT AT THIS POINT BECAUSE THE PEOPLE HAVE NOT FILED THEIR WITNESS LIST AND WISH TO HAVE IT SEALED ONCE THE WITNESS LIST IS FILED.

THIS ISSUE IS ARGUED BY MARK GERAGOS ON BEHALF OF THE DEFENDANT.

THE COURT STATED THE DEFENDANT'S RIGHT TO A FAIR TRIAL OUTWEIGHS RELEASING THE JURORS AND WITNESSES NAMES. THE WITNESSES NAMES WILL BE STATED ON THE RECORD WHEN THEY TESTIFY.

THE COURT RULED WITNESS LISTS AND JUROR NAMES WILL BE CONFIDENTIAL.

COUNSEL STIPULATE JUDGE GIROLAMI'S DNA EVIDENCE RULING IS BINDING ON THIS COURT.

THE COURT CITED THE UNRESOLVED MOTIONS ON THE RECORD REGARDING DOG TRACKING EVIDENCE, TESTIMONY OF HYPNOTIZED WITNESSES, WIRETAPPING, AND GPS EVIDENCE.

THE PEOPLE REQUEST TWO WEEKS TO REPLY TO THE MOTIONS FILED TODAY BY THE DEFENDANT.

THE COURT ADDRESSED THE ISSUE OF GPS EVIDENCE AND STATED THERE ARE NO CALIFORNIA CASES ON THIS ISSUE AND THIS WILL REQUIRE A KELLY-FRYE HEARING TO LAY A FOUNDATION TO ADMIT GPS EVIDENCE.

THE PEOPLE STATED THEIR WITNESSES CAN BE HERE TO TESTIFY FOR THE KELLY-FRYE HEARING ON WEDNESDAY, FEB. 11, 2004.

ONCE THE JURY TRIAL BEGINS THE COURT REQUESTED BOTH COUNSEL, IN THEIR CASES-IN-CHIEF, THE EVENING BEFORE THE NEXT HEARING SUPPLY A LIST OF WITNESSES THEY INTEND TO CALL THE NEXT DAY. BOTH COUNSEL AGREED.



THE COURT PROVIDED BOTH COUNSEL WITH SAMPLES OF JURY QUESTIONNAIRES FOR THEIR REVIEW. COUSEL TO REVIEW THE QUESTIONNAIRES AND THE COURT SUGGESTED COUNSEL FOR BOTH SIDES STIPULATE TO AGREED UPON QUESTIONS.

THE COURT STATED WHEN WE GET TO JURY SELECTION THERE WILL BE APPROXIMATELY 250 JURORS A DAY TO FILL OUT THE QUESTIONNAIRE AND THOSE WITH HARDSHIPS WILL BE EXCUSED AT THAT TIME.

MR. DISTASO STATED HE HAS RECEIVED SUBPOENAED DUCES TECUM DOCUMENTS. COUNSEL STIPULATE TO MAKE COPIES FOR MR. GERAGOS.

THE COURT ORDERED ANY NEW EVIDENCE RECEIVED BY THE PEOPLE BE IMMEDIATELY TURNED OVER TO THE DEFENDANT.

THE COURT TO RULE ON DEFENDANT'S MOTION FOR SEPARATE GUILT AND PENALTY PHASE JURIES ON WEDNESDAY.

DEFENDANT REMAINS IN CUSTODY.

10:15 A.M. : COURT RECESSED UNTIL WEDNESDAY, FEBRUARY 11, 2004 AT 9:30 A.M..

MATTER CONTINUED TO 02/11/2004 AT 9:30 A.M. IN SCRWC COURT, D- 42 FOR MOTIONS.

ENTERED ON CJIS BY MARYLIN MORTON DATE 02/09/2004.

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