

J2411H1
SAN MATEO CJIS
ORGANIZATION: SC

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

02/18/04
13:31

CASE NO. SC055500 A DATE: 02/11/04 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/YERETS

PROCEEDINGS: MOTIONS

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

9:30 A.M. : COURT CONVENED. COUNSEL PRESENT. DEFENDANT
PRESENT IN CUSTODY.

THE COURT REAFFIRMED THE JULY 1, 2003, AMENDED
PROTECTIVE ORDER/DECISION BY JUDGE A. GIROLAMI. THIS
MINUTE ORDER WILL REMAIN IN FULL FORCE AND EFFECT.

THE COURT STATED ON THE RECORD THE PRETRIAL MOTIONS THAT
STILL NEEDED TO BE RULED ON: MOTION TO EXCLUDE
WIRETAPPING, MOTION FOR SANCTIONS, AND MOTION REGARDING
EAVESDROPPING. THE MOTION TO RELEASE AUDIO RECORDINGS
HAS BEEN COMPLIED WITH. DISCOVERY HAS BEEN PROVIDED TO
THE DEFENDANT.

MATTER PROCEEDS WITH A KELLY-FRYE HEARING ON THE ISSUE
OF GPS (GLOBAL POSITION SYSTEM).

THE PEOPLE INDICATE THIS MOTION WILL BE ADDRESSED ALL
DAY TODAY AND INTO TUESDAY, FEB. 17, 2004.

THE PEOPLE INDICATE THIS WILL BE A 1040 HEARING AND MR.
GERAGOS ARGUES THIS ISSUE AND PROVIDED THE COURT THE
CASE CITED ON THE RECORD.

DEFENDANT'S MOTION TO EXCLUDE WITNESSES FOR THE GPS
TESTIMONY IS GRANTED BY THE COURT.

9:45 A.M. : PETER LOOMIS, CALLED BY PEOPLE WAS SWORN AND
TESTIFIED UNDER DIRECT EXAMINATION.

THE EXHIBITS LISTED BELOW WERE INTRODUCED AND MARKED FOR IDENTIFICATION ON BEHALF OF THE: PEOPLE.

PRETRIAL MOTION EXHIBIT 1 - GPS EVIDENCE BINDER:

VOIR DIRE BY MR. GERAGOS AS TO DR. LOOMIS TESTIFYING AS AN EXPERT REGARDING GPS TECHNOLOGY IS STATED FULLY ON THE RECORD.

THE EXHIBITS LISTED BELOW WERE INTRODUCED AND MARKED FOR IDENTIFICATION ON BEHALF OF THE: DEFENDANT.

DEFENDANT'S MOTION EXHIBIT A - CURRICULUM VITAE FOR PETER LOOMIS, PH.D

VOIR DIRE OF DR. LOOMIS BY THE COURT

NO VOIR DIRE BY THE PEOPLE

THE COURT FINDS THE WITNESS TO BE AN EXPERT IN THE AREA OF GLOBAL POSITION SYSTEM TECHNOLOGY

10:28 A.M. : COURT RECESSED.

10:45 A.M. : COURT RECONVENED. COUNSEL PRESENT. DEFENDANT PRESENT IN CUSTODY.

10:46 A.M. : PETER LOOMIS, PH.D, PREVIOUSLY SWORN, RESUMED THE STAND AND TESTIFIED FURTHER UNDER DIRECT EXAMINATION.

COUNSEL DISCUSS DISCREPENCIES IN PEOPLE'S PRETRIAL EXHIBIT 1 - MAP (TO BE MARKED AS 1A).

11:10 A.M.: COURT RECESSED FOR THE DOCUMENTS IN PEOPLE'S PRETRIAL EXHIBIT 1 TO BE PREMARKED FOR IDENTIFICATION BY MR. DISTASO.

11:15 A.M.: IN CAMERA HEARING HELD IN THE JURY DELIBERATION ROOM WITH COURT, COUNSEL, DEFENDANT, COURT REPORTER, CLERK, AND DEPUTIES PRESENT.

THE EXHIBITS LISTED BELOW WERE INTRODUCED AND MARKED FOR IDENTIFICATION ON BEHALF OF THE: COURT.

PRETRIAL EXHIBIT 1 - ENVELOPE/LETTER RECEIVED BY THE
COURT ON 2-11-04.

COUNSEL REVIEW THE LETTER AND DETERMINE IT HAS NO
EVIDENTIARY VALUE.

11:25 A.M. : COURT RECONVENED. COUNSEL PRESENT.
DEFENDANT PRESENT IN CUSTODY.

11:25 A.M. : DR. LOOMIS, PREVIOUSLY SWORN, RESUMED THE
STAND AND TESTIFIED FURTHER UNDER DIRECT EXAMINATION.

THE EXHIBITS LISTED BELOW WERE PRE-MARKED FOR
IDENTIFICATION ON BEHALF OF THE PEOPLE.

PRETRIAL MOTION EXHIBIT 1A - MAP WITH 1 DEGREE OFFSET
LOCATION.

PRETRIAL MOTION EXHIBIT 1QQ - MAP WITH 6 MINUTE OFFSET

PRETRIAL MOTION EXHIBIT 1M - MAP BERKELEY MARINA
TRACKING

PRETRIAL MOTION EXHIBIT 1Q - 1-9-03, S-10 MAP, BERKELEY
MARINA

PRETRIAL MOTION EXHIBIT 1S - 1-9-03, S-10 MAP BERKELEY
MARINA

PRETRIAL MOTION EXHIBIT 1EE - FRESNO MAP - NOT ACCURATE
GPS DATA

PRETRIAL MOTION EXHIBIT 1UU - TRACKING 1-26-03

PRETRIAL MOTION EXHIBIT 1BBB-BLOW UP BERKELEY MARINA
(1UU)

PRETRIAL MOTION EXHIBIT 1JJJ - TRACKING WITH OFFSET -
MODESTO

PRETRIAL MOTION EXHIBIT 1TTT - BLOW UP BERKELEY MARINA

11:50 A.M.: DIRECT EXAMINATION BY MR. DISTASO CONCLUDED.

CROSS EXAMINATION BY MR. GERAGOS TO COMMENCE AFTER LUNCH

11:50 A.M. : COURT RECESSED UNTIL 1:30 P.M..

1:30 P.M. : LARON JOHNSON REPLACES LINDA SWANNER AS
COURT REPORTER.

1:32 P.M. : COURT RECONVENED. COUNSEL PRESENT.
DEFENDANT PRESENT IN CUSTODY.

THE COURT STATED ON THE RECORD THE IN CAMERA SESSION
REGARDING THE CONTENTS OF THE PACKAGE RECEIVED BY THE
COURT WAS A PETITION FOR WRIT OF MANDATE REGARDING
EXCLUSION OF CAMERAS IN THE COURTROOM BY THE MEDIA.

1:34 P.M.: DR. LOOMIS, PREVIOUSLY SWORN, RESUMED THE
WITNESS STAND UNDER CROSS EXAMINATION BY MR. GERAGOS.

THE EXHIBITS LISTED BELOW WERE INTRODUCED AND MARKED FOR
IDENTIFICATION ON BEHALF OF THE: DEFENDANT.

PRETRIAL MOTION EXHIBIT B - COPY OF LETTER DATED 7-9-03
TO MODESTO P.D. FROM MICHAEL PEACH

PRETRIAL MOTION EXHIBIT C - COPY OF LETTER DATED 1-13-04
TO MR. DISTASO FROM MICHAEL PEACH

2:34 P.M. : COURT RECESSED UNTIL 2:50 P.M..

2:50 P.M. : COURT RECONVENED. COUNSEL PRESENT.
DEFENDANT PRESENT IN CUSTODY.

2:50 P.M.: DR. LOOMIS, PREVIOUSLY SWORN, RESUMED THE
WITNESS STAND UNDER FURTHER CROSS EXAMINATION BY MR.
GERAGOS.

THE EXHIBITS REFERRED TO IN PEOPLE'S PRETRIAL MOTION
EXHIBIT 1 ARE STATED FULLY ON THE RECORD BY MR. GERAGOS.

3:30 P.M.: CROSS EXAMINATION CONCLUDED

3:30 P.M.: REDIRECT EXAMINATION BY MR. DISTASO

3:36 P.M.: RECROSS EXAMINATION BY MR. GERAGOS

3:46 P.M. : COURT RECESSED UNTIL 2-17-04 AT 9:30 P.M..

CASE NO. SC055500 A DATE: 02/11/04
PEOPLE VS. SCOTT LEE PETERSON

TIME: 09:00

DEPT.: 42

DEFENDANT REMAINS IN CUSTODY.

MATTER CONTINUED TO 02/17/2004 AT 9:30 A.M. IN SCRWC
COURT, D- 42 FOR MOTIONS.

ENTERED ON CJIS BY MARYLIN MORTON DATE 02/11/2004.