

J2411H1 SUPERIOR COURT - HALL OF JUSTICE & RECORDS
SAN MATEO CJIS IN AND FOR THE COUNTY OF SAN MATEO
ORGANIZATION: SC

02/18/04
13:32

CASE NO. SC055500 A DATE: 02/17/04 TIME: 09:00 DEPT.: 42

PEOPLE VS. SCOTT LEE PETERSON

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

PROCEEDINGS: MOTIONS

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

9:28 A.M. : COURT CONVENED. COUNSEL PRESENT. DEFENDANT
PRESENT IN CUSTODY.

ALSO PRESENT FOR DEFENSE: LARA YERETSIAN

THE TRANSCRIPTS OF WEDNESDAY, FEBRUARY 11, 2004, VOL. I,
PGS. 332-362 AND VOL. II, PGS 363-554, HAVING BEEN
REVIEWED BY COUNSEL ARE ORDERED CERTIFIED BY THE COURT.

THE MOTION TO QUASH THE SUBPOENA FOR TED RAWLINS IS TO
BE DEALT WITH BY THE PEOPLE OR DEFERRED FOR HEARING
UNTIL AFTER THE MOTIONS CURRENTLY BEFORE THE COURT HAVE
BEEN RULED ON.

THE CLERK TO CHECK UPON THE RECEIPT OF THE SUBPOENAED
RECORDS FROM ENTERPRISE CAR RENTAL.

9:32 A.M. : WITNESS TESTIFIED OUT OF ORDER.

HEARING CONTINUES WITH TESTIMONY REGARDING GPS TRACKING:

9:32 A.M. : HUGH RODDIS, ORION ELECTRONICS, CALLED BY
PEOPLE WAS SWORN AND TESTIFIED UNDER DIRECT EXAMINATION.

MR. RODDIS IS VOIR DIRE BY MR. GERAGOS

THE COURT FINDS THE WITNESS TO BE AN EXPERT IN THE AREA
OF COVERT GPS TECHNOLOGY

10:07 A.M.: DIRECT EXAMINATION CONCLUDED. BRIEF
EXAMINATION BY THE COURT.

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10:08 A.M.: CROSS EXAMINATION BY MR. GERAGOS.

10:30 A.M. : COURT RECESSED UNTIL 10:45 A.M..

10:45 A.M. : LINDA SWANNER REPLACES LARON JOHNSON AS
COURT REPORTER.

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

10:45 A.M. : HUGH RODDIS, PREVIOUSLY SWORN, RESUMED THE
STAND AND TESTIFIED FURTHER UNDER CROSS EXAMINATION.

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

11:59 A.M. : COURT RECESSED UNTIL 1:30 P.M..

1:31 P.M. : LARON JOHNSON REPLACES LINDA SWANNER AS
COURT REPORTER.

1:31 P.M. : COURT RECONVENED. COUNSEL PRESENT.
DEFENDANT PRESENT IN CUSTODY.

1:31 P.M. : HUGH RODDIS, PREVIOUSLY SWORN, RESUMED THE
STAND AND TESTIFIED FURTHER UNDER CROSS EXAMINATION.

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

2:10 P.M. : WITNESS TESTIFIED UNDER RE-DIRECT
EXAMINATION.

THE EXHIBITS LISTED BELOW WERE PRE-MARKED FOR
IDENTIFICATION ON BEHALF OF THE PEOPLE'S PRETRIAL MOTION
EXHIBIT 2 - 13 PG. DOCUMENT, ORION ELECTRONICS REPAIR
ORDER.

2:11 P.M. : WITNESS EXCUSED SUBJECT TO RECALL.

MR. RODDIS IS EXCUSED SUBJECT TO THE COURT'S RULING ON
THE USE OF GPS TRACKING.

2:13 P.M. : DR. PETER LOOMIS, PREVIOUSLY SWORN, RESUMED
THE STAND AND TESTIFIED FURTHER UNDER RE-CROSS
EXAMINATION.

COUNSEL AGREE TO PROVIDE DISCOVERY IN A TIMELY MANNER.

2:42 P.M. : WITNESS TESTIFIED UNDER RE-DIRECT
EXAMINATION.

2:44 P.M. : WITNESS EXCUSED.

ALL EVIDENCE SUBMITTED ON THE KELLY-FRYE HEARING ON GPS
TRACKING.

ARGUMENT PRESENTED BY COUNSEL. MATTER SUBMITTED.

THE COURT IS SATISFIED THAT THERE IS A FOUNDATION FOR
THE ADMISSION OF GPS TRACKING EVIDENCE ACCORDING TO
KELLY-FRYE.

THERE WILL BE AN IN CAMERA HEARING REGARDING THE
PEOPLE'S ISSUE PURSUANT TO E.C. 1040 REGARDING THE
DISCLOSURE OF THE LOCATION OF THE GPS TRACKING ANTENNA.

THE DEFENDANT'S MOTIONS FOR TWO JURIES AND SEQUESTERED
JURY IS RESERVED BY THE COURT.

3:05 P.M. : COURT RECESSED UNTIL 3:20.

3:20 P.M. : LINDA SWANNER REPLACES LARON JOHNSON AS
COURT REPORTER.

3:20 P.M. : COURT RECONVENED. COUNSEL PRESENT.
DEFENDANT PRESENT IN CUSTODY.

THE DEFENDANT'S MOTION TO EXCLUDE THE TESTIMONY OF
HYPNOTIZED WITNESS KRISTEN DEMPEWOLF IS ARGUED BY
COUNSEL AND SUBMITTED. THE COURT SUSTAINED MR. GERAGOS'
OBJECTION UNDER E.C. 795 AND FURTHER STATED THE
REQUIREMENTS UNDER E.C. 795 WERE NOT MET.

THE PEOPLE STATED ON WEDNESDAY, FEB. 18, 2004, THEY WILL
PRESENT WITNESSES ON THE WIRETAPING ISSUES. THE DOG
TRACKING WITNESSES ARE CIVILIANS AND ARE NOT AVAILABLE
UNTIL MONDAY, FEB. 23, 2004.

MR. DISTASO PROVIDED TO MR. GERAGOS THE SUBPOENAED DUCES
TECUM DOCUMENTS RECEIVED TODAY FROM ENTERPRISE CAR
RENTAL FOR REVIEW AND COPYING.

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THE COURT AND COUNSEL DISCUSS ON THE RECORD OTHER ISSUES
REGARDING DISCOVERY.

DEFENDANT REMAINS IN CUSTODY.

MATTER CONTINUED TO 02/18/2004 AT 9:30 A.M. IN SCRWC
COURT, D- 42 FOR MOTIONS.

ENTERED ON CJIS BY MARYLIN DATE 02/17/2004.