

J2411H1
SAN MATEO CJIS
ORGANIZATION: SC

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

03/03/04
09:35

CASE NO. SC055500 A DATE: 03/02/04 TIME: 09:00 DEPT.: 42

PEOPLE VS. SCOTT LEE PETERSON

JUDGE:	ALFRED A DELUCCHI, JUDGE	CLERK:	MARYLIN MORTON
REPORTER:	JOHNSON/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)

LARON JOHNSON, COURT REPORTER

9:32 A.M. : COURT CONVENED. COUNSEL PRESENT. DEFENDANT
PRESENT IN CUSTODY.

THE COURT AND COUNSEL DISCUSS CHANGES TO THE
QUESTIONNAIRE. ONCE FINALIZED THE CLERK WILL MAKE
COPIES FOR ALL COUNSEL (4).

THE DEFENSE ISSUES OF SANCTIONS AND FRUIT OF THE
POISONOUS TREE WILL NOT BE ARGUED BY MR. GERAGOS.

MR. GERAGOS ARGUES THE WIRETAPPING ISSUE AND MR. DISTASO
ARGUES THE WIRETAPPING "NECESSITY ISSUE."

THE COURT CONSIDERED THE MOTIONS FILED BY COUNSEL AND
REVIEWED P.C. 629.50, AND THE CASES CITED ON THE RECORD.

DEFENDANT'S MOTION TO EXCLUDE WIRETAPPING IS DENIED FOR
THE REASONS STATED FULLY ON THE RECORD.

DEFENDANT'S MOTION TO CONDUCT A FRANKS HEARING IS
DENIED. THERE WAS NOT A SUFFICIENT SHOWING BY THE
DEFENDANT.

DEFENDANT'S MOTION TO EXCLUDE DOG TRAILING (TRACKING) IS
ARGUED BY MR. GERAGOS AND DAVID HARRIS ON BEHALF OF THE
PEOPLE.

THE COURT RULED PURSUANT TO E.C. 352 THE ONLY DOG TRACKING EVIDENCE THAT CAN BE USED IS MRS. ANDERSON AND HER DOG "TRIMBLE" AT THE BERKELEY MARINA FOR THE REASONS STATED ON THE RECORD. THE REMAINING DOG TRACKING EVIDENCE IS TO BE EXCLUDED FOR THE REASONS STATED ON THE RECORD.

10:20 A.M. : COURT RECESSED.

THE QUESTIONNAIRE TO BE FINALIZED AFTER THE RECESS.

11:36 A.M. : COURT RECONVENED. COUNSEL PRESENT.
DEFENDANT PRESENT IN CUSTODY.

LARON JOHNSON, COURT REPORTER

THE COURT FINDS THERE WAS NO ABUSE OF DISCRETION ON BEHALF OF JUDGE LADINE IN AUTHORIZING THE USE OF WIRETAPPING.

THE COURT AND COUNSEL AGREE ON THE FINAL QUESTIONNAIRE THAT WILL BE COPIED FOR USE BY THE PROSPECTIVE JURORS.

11:45 A.M. : COURT RECESSED UNTIL MARCH 4, 2004 AT 9:00 A.M. FOR MOTIONS AND JURY SELECTION..

DEFENDANT REMAINS IN CUSTODY.

MATTER CONTINUED TO 03/04/2004 AT 9:30 A.M. IN SCRWC COURT, D- 42 FOR MOTIONS.

MATTER CONTINUED TO 03/04/2004 AT 9:30 A.M. IN SCRWC COURT, D- 42 FOR FURTHER JURY SELECTION.

ENTERED ON CJIS BY MARYLIN MORTON DATE 03/02/2004.
