

SUPERIOR COURT, STATE OF CALIFORNIA, COUNTY OF STANISLAUS

PEOPLE OF THE STATE OF CALIFORNIA VS. SCOTT LEE PETERSON
Plaintiff Defendant

NATURE OF HEARING: (1) DEFT'S MOTION TO CLOSE THE PRELIMINARY HEARING; (2) MEDIA'S MOTION TO ALLOW TELEVISION/AUDIO COVERAGE OF THE PRELIMINARY HEARING; (3) PEOPLE'S MOTION FOR VENUE SURVEY; (4) PEOPLE'S MOTION TO SEAL PART OF THE OPPOSITION TO DEFT'S SUPPRESSION MOTION Case No. 1056770

JUDGE: A. GIROLAMI Bailiff: L. Sweatman Date: August 14, 2003
Clerk: C. Pope Reporter: D. Aiello/S. Lauzon Modesto, California

APPEARANCES:

For the People: David Harris, Deputy District Attorney.
Rick Distaso, Deputy District Attorney.
Defendant appearing (in-custody) with counsel: Mark Geragos, Esq.
Kirk McAllister, Esq.
Counsel appearing for the Print Media: Charity Kenyon, Esq.
Counsel appearing for Broadcast Media: Rochelle Wilcox, Esq.
Counsel appearing for Amber Frey: Gloria Allred, Esq.

Case is regularly called for hearing.

All of the above parties are present and seated.

The Court has read and considered all the points and authorities filed by counsel regarding the matters at issue today.

Defendant's Motion to Close the Preliminary Hearing

Declaration of Adam Talaat is presented by Defense Counsel in open Court, filed and considered. Arguments are presented by respective counsel, with the People not taking any position. Court takes matter under submission and calls a brief recess to consider the evidence.

Subsequently, based on all the evidence presented, both oral and documentary, the Court finds that it cannot make the necessary findings required to find that a closure of the hearing would be required, even in a death penalty matter. The Court further finds that the harm expected is speculative and not unlike that in other high publicity cases. The Court is satisfied that it will have control of the proceedings and the right to close specific portions of the hearing with appropriate findings, if necessary. Therefore, pursuant to the above findings, Defendant's motion is DENIED.

Media's Motion to Allow Television and Audio Coverage of the Preliminary Hearing

Defense Counsel having not filed any written response, orally states that based on the Court's ruling as set forth above, he is for full coverage. Respective counsel present arguments. Representative for Court TV, Fred Graham, briefly addresses/informs the Court and counsel as to how the televised procedures would work.

Court having heard all the arguments/evidence, takes the matter under **submission**, and shall prepare a Statement of Decision.

People's Motion for a Venue Survey

Arguments are presented by Prosecutor. Based on the materials submitted by both Prosecution and Defense and the arguments, the Court finds People's motion premature, and therefore DENIES said motion without prejudice.

However, in renewing any such motion, the Court directs the People to include the experiences of other counties in which such a survey has been conducted, and submit a proposed questionnaire for the Court's review.

People's Motion to Seal Part of the Opposition to Defendant's Suppression Motion

There being no objection by the Defense and after hearing Media comments, the Court is satisfied that its prior findings/ruling on this issue are applicable, and the People's motion is GRANTED in that the portion of their opposition to the suppression motion, specifically "Attachment A", shall remain sealed/confidential.

Pursuant to agreement of counsel, a copy of the unredacted version of Defendant's suppression motion shall be submitted to the Court, and ORDERED filed/sealed.

Miscellaneous Matters

Defense Counsel files a Notice of Motion for Discovery in open Court. Hearing on said motion is set for **September 2, 2003 at 8:30 a.m. in Department 2**. In the event discovery is obtained prior to the above date, Defense Counsel shall notify the Court to drop said hearing.

Upon inquiry by the Court, both sides represent they shall be ready to proceed at the time set for preliminary hearing, subject to discovery issues being completed.

As to the possible violation of the Protective Order by the Defense, the Court shall hold a hearing on said issue at the conclusion of the preliminary hearing, currently set for September 9, 2003 at 9:30 a.m. in

Department 2. People shall review this issue to determine if they believe there is any merit, and file the appropriate documents within one (1) week. Defense Counsel may file a reply prior to the scheduled hearing.

Counsel submit a Further Stipulation and Order Authorizing Additional Limited Examination of Remains and Release of Remains to Next of Kin; approved by the Court and ORDERED filed.

Counsel for the People indicate for the record, prior contacts made by Counsel with the Court, having not been reported. They were for necessary signatures and no discussions were held with the Court. The Court confirmed this.

Court and counsel having reviewed the transcript of July 9, 2003 hearing, said transcript is ORDERED certified with the correction of adding two (2) words, as set forth on the record.

Defense Counsel request an order to allow them to inspect the physical evidence in possession of the crime lab and/or the police department. People represent a master list re: evidence has been compiled by the Modesto Police Department/Detective Division, using the various property lists of items seized. A copy will be presented to Defense Counsel for their review.

Defense Counsel further request a copy of all forensic reports and notes be provided to them forthwith. Based upon People's representation, the Court assumes informal discovery is adequate and any disputes will be addressed at the next hearing.

Defendant is remanded to the custody of the Sheriff to appear on the date/time set for discovery motion of 9/2/03, as set forth above. Defendant is held without bail.

cc: Jail