

SUPERIOR COURT, STATE OF CALIFORNIA, COUNTY OF STANISLAUS

IN THE PEOPLE OF THE STATE CALIFORNIA VS. SCOTT LEE PETERSON

Case # 1056770

NATURE OF HEARING: SEALING OF THE RECORDS, RELEASE OF AUDIO RECORDING
SANCTIONS, RELEASE OF AUTOPSY, AND PROTECTIVE ORDERS
JUDGE: A. GIROLAMI **Bailiff:** L. Sweatman **Date:** 6/6/03
Clerk: J. Carvalho **Reporter:** D. Aiello **Modesto, California**

Appearances:

For the People appearing: David Harris, DDA
Rick Distaso, DDA

Defendant present with: Mark Geragos, Esq.
Kirk McAllister, Esq.

For the Media (McClatchy Newspapers, Inc.; Los Angeles Times, Hearst Communications, Inc., Contra Costa Newspapers, Inc.; San Jose Mercury News, Inc., KNTV Television, Inc. and National Broadcasting Company, Inc.) appearing: Charity Kenyon, Esq.

For Contra Costa Sheriff-Coroner appearing: Kevin T. Kerr, Esq.
For Ted Rowlands appearing James C. Mann, Esq.
For Rita Cosby and Greta Van Susteren appearing: Amy M. Gallegos, Esq.
For 17 Non-Party Journalists appearing: Rochelle L. Wilcox, Esq.
For Suzanne Phan and Ethan Harp appearing: Stephen H. Johanson, Esq.
For Amber Frey appearing: Gloria Allred, Esq.

Case is regularly called for hearing.

Counsel for the People and Defense express their concerns about the Media being able to hear their private conversations. The Court examines Paul Moro of the Media on the recording procedures and what actually can be heard. The Court rules that the proceedings may be taped, but when counsel talk between each other the monitoring will be stopped.

Counsel for the Defense advised the Court that all discovery ordered on 5/27/03 has not been received and that he is unable to proceed on the issue of releasing the audiotapes of the wiretaps to the Journalists and on his Motion for sanctions.

The Court heard comments of Counsel representing the Journalists and their concerns protecting their communications in the audiotapes.

After hearing statements by counsel and after questioning Investigator Jacobson, **IT IS ORDERED:** All audio and wiretap information regarding attorney-client and investigator contacts are to be turned over to the Defense only by June 11. All audiotapes relating to the Journalists are to be turned over to Defense and Prosecution no earlier than June 17, 2003 at noon. All other wiretap discovery as to the attorney communication sheets, wiretapping instructions, notes, summary logs and transcripts to be released to the Defense and the Prosecution immediately.

The Court issued a protective order limiting dissemination of these items to within the Defense and Prosecution teams.

The Court heard comments from the Parties and the Media concerning the Prosecution's request to release the autopsy report to the public. The Court denied the motion finding that the basis for the order of May 30, 2003 was still valid.

The Court ordered, Kevin T. Kerr, Esq., counsel for the Contra Costa County sheriff/Coroner to turn over all documents regarding the autopsy reports, photographs and x-rays to the District Attorney and to the Defense. The Coroner may now file the two death certificates, which will be open to the public. All other items are to remain sealed. The Protective order previously issued is still in effect.

Matter is set on June 26, 2003 a.m. in Department 2 for further hearing on the Media's request for access to their intercepted calls and on Defense's request for sanctions. Briefs by the Defense are to be filed by June 18, Prosecution by June 24, and Defense reply by June 25. All are to be filed by noon. No motions are to exceed 20 pages without a court order.

The Court heard comments of counsel, including the Media, on a possible Protective Order limiting public comments, and took the matter under submission.

Counsel for the Defense states that they have never received any discovery from the outside law enforcement agencies. Both parties concurred that the District Attorney will provide the Court an ex-parte order to require that these agencies provide reports of their investigations in this matter.

Certification of the transcript of May 27, 2003 was postponed to the next hearing as Counsel had not brought their transcripts.

Copy sent to:

Rick Distaso, DDA
Dave Harris, DDA
Mark Geragos, Esq.
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Jail