

**SUPERIOR COURT, STATE OF CALIFORNIA, COUNTY OF STANISLAUS**

PEOPLE OF THE STATE CALIFORNIA VS. SCOTT LEE PETERSON Case #1056770

**NATURE OF HEARING:** SEALING OF THE SEARCH WARRANTS, CONTINUANCE OF PRELIMINARY HEARING, CONTEMPT MOTIONS, RECONSIDERATION OF PROTECTIVE ORDER

**JUDGE:** A. GIROLAMI

**Bailiff:** L. Sweatman

**Date:** 6/26/03

**Clerk:** J. Carvalho

**Reporter:** S. Lauzon

**Modesto, California**

**Appearances:**

For the People appearing: Rick Distaso, DDA  
Birgit Fladager, 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 Ted Rowlands appearing James C. Mann, Esq.

For Rita Cosby and Greta Van Susteren appearing: David Singer, Esq.

For 17 Non-Party Journalists appearing: Rochelle L. Wilcox, Esq.

For Gloria Allred, Esq. appearing: John Steve West, Esq.

Case is regularly called for hearing.

There being no opposition by the Defense, People's Motion to Continue the Preliminary Hearing of July 16, 2003 is GRANTED. The Defendant waives time. Preliminary Hearing is set for September 9, 2003 at 9:30 a.m. in Department 2. Preliminary Hearing of July 16, 2003 is vacated.

Motion regarding Media coverage at the Preliminary Hearing is set for August 14, 2003 at 8:30 a.m. in Department 2.

Pretrial, Motion for Sanctions regarding the wiretapping are set for August 15, 2003 at 8:30 a.m. in Department 2.

After discussion concerning the Prosecution request for the Court to review newly discovered wiretap recordings filed on June 18, 2003. **IT IS ORDERED:** A copy of the 176 audio recorded calls are to be provided only to the Defense today. Previous Protective Order shall remain in effect.

Media's requests to inspect their intercepted calls filed May 14, through June 4, 2003 are continued to the 7/9/03 hearing.

People's Motion to Seal the latest search warrant filed June 20, 2003 are argued by counsel. Defense joined in this Motion while the Media opposed it. The Court finds that there has been no change of circumstances to handle this search warrant any differently than what the court has done previously. The Court took judicial notice of the prior in camera proceeding and stated that the documents pertaining to this search warrant had been unsealed, reviewed by the Court, and resealed. Therefore, **IT IS ORDERED:** The People's Motion to Seal the latest Search Warrant filed June 20, 2003 is GRANTED and shall remain sealed. The Court stated it would later provide specific findings by minute order.

After considering statements and Motions of Counsel for the Defense and the Media to Reconsider the Protective Order, and reviewing the Points and Authorities submitted, the Court makes the following order:

Defense Motion to Vacate the Protective Order is DENIED. The Court finds that the order of June 12, 2003 is still valid, but will be modified by this Court. The Court will provide an amended Protective Order by minute order.

After hearing statements of Counsel, the Court states that there is no probable cause to issue an Order to Show Cause for Contempt against Gloria Allred. The Court finds that she is not covered by the Protective Order and if she were covered, the comments made are not clearly and specifically prohibited.

The Court finds that there is probable cause for an Order to Show Cause regarding District Attorney James Brazelton's quoted statements to the Press. If the Defense wishes to file the Order to Show Cause, it will be set after the conclusion of the case.

The Court and the attorneys have reviewed the transcripts of May 27, 2003 and June 6, 2003 hearings. The transcripts were corrected as stated on the record.

**IT IS ORDERED** that the transcripts of May 27, 2003 and June 6, 2003 are certified.

The defendant is remanded into the custody of the Sheriff. No bail is set.