

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

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

**NATURE OF HEARING:** MOTION TO QUASH THE SUBPOENA DUCES TECUM, FURTHER HEARING ON THE 176 AUDIO RECORDINGS, BRIEFING SCHEDULES, INTERCEPTED PARTIES REQUEST TO INSPECT THEIR COMMUNICATIONS

**JUDGE:** A. GIROLAMI  
**Clerk:** J. Carvalho

**Bailiff:** L. Sweatman  
**Reporter:** D. Aiello

**Date:** 7/9/03  
**Modesto, California**

**Appearances:**

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

Defendant present with: Mark Geragos, Esq.  
Kirk McAllister, 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 the San Francisco Police Dept. appearing: Margaret W. Baumgartner, Esq.

Case is regularly called for hearing.

Regarding the Motion to Quash the Subpoena Duces Tecum, the Court heard preliminary arguments of Counsel, and found that an In Camera hearing with the Defense would be necessary.

From 8:45 a.m. to 9:10 a.m., the Court conducted an In Camera hearing with the following people present: Defendant Scott Peterson, Mark Geragos, Esq., Kirk McAllister, Esq., Bailiff Larry Sweatman and Reporter Diane Aiello.

After further comments in open court, the Court found that an In Camera hearing with the San Francisco Police Department would be necessary.

From 10:00 a.m. to 10:20 a.m., the Court conducted an In Camera hearing on the Motion to Quash the Subpoena Duces Tecum with the following people present: Margaret W. Baumgartner, Esq., Inspectors Joseph J. Toomey and Holly C. Pera, Clerk Jennifer Carvalho and Reporter Diane Aiello. During the hearing, the following witnesses were sworn and examined by the Court: Joseph J. Toomey and Holly C. Pera.

The Court ordered that the In Camera proceedings be sealed until further order of the Court.

**In open Court**, after hearing statements by counsel and after questioning the San Francisco Inspectors, **IT IS ORDERED:** that the autopsy reports and 30 photographs of the San Francisco subpoenaed records are to be turned over to the parties. The autopsy report was given to the Defense and to the Prosecution. The 30 photographs shall be turned over to the parties after 10 days if the family of the deceased has no objection. The Court issued a protective order regarding these items that they are only to be disseminated within

their trial teams. The Court finds that all other reports of that investigation shall remain confidential and not disseminated to the parties.

Defense Counsel reported that the 176 audio recordings were reviewed and there being no opposition by the Defense except for one call, **IT IS ORDERED:** The 176 audio recordings shall be turned over to the Prosecution except for the one call of 1/26/03 between Defense Counsel and the Defendant.

The Defense states that after listening to the intercepted communications that all parties have not been given notice. The District Attorney shall send letters to those Intercepted parties that have not been previously noticed.

There being no opposition by the parties, the Intercepted parties request to inspect their communications is granted. The Court finds good cause for the Intercepted parties to listen to their communications, but they will not be allowed to receive actual copies of the communications. The parties, and any other parties making an informal request, are to make arrangements with the District Attorney to listen to them at a mutually agreeable time during the last week of July.

Counsel advised the Court of the status of the servers and the status of the Court of Appeals Motions. The parties further noted that they are cooperating in informal discovery.

The briefing schedule for the August 14, 2003 hearing on Media coverage for the Preliminary hearing shall be as follows: Defense brief shall be submitted by noon on July 21, 2003. Media briefs shall be submitted by noon on August 1, 2003. Reply by the People and the Defense shall be submitted by noon on August 8, 2003.

The briefing schedule for the August 15, 2003 hearing as to the Defense's Suppression and Sanction Motions shall be as follows: Defense brief shall be submitted by noon on August 1, 2003. People's opposition shall be submitted by noon on August 12, 2003. Any reply shall be submitted by noon on August 12, 2003.

The Court and the attorneys reviewed the transcript of June 26, 2003 hearing and **IT IS ORDERED** that the transcript of June 26, 2003 is certified with one correction.

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

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**Copy sent to:**

Rick Distaso, DDA  
Office of the District Attorney  
Courthouse  
Modesto, California

David Harris, DDA  
C/O District Attorney  
Courthouse  
Modesto, California

Stephen H. Johanson, Esq.  
2485 Natomas Park Drive  
Sacramento, California 95833

Mark Geragos, Esq.  
350 South Grand Avenue  
39th Floor  
Los Angeles, California 90071  
Fax: 213-625-1600

Kirk M. McAllister, Esq.  
1012 11th Street, suite 101  
Modesto, California 95354  
Fax: 209-575-0240

Charity Kenyon, Esq.  
2500 Venture Oaks Way, Suite 220  
Sacramento, California 95833  
Fax: 916-779-7120

Alonzo Wickers IV, Esq.  
865 South Figueroa Street, Suite 2400  
Los Angeles, California 90017-2566  
Fax: 213-633-6899

Douglas R. Young, Esq.  
235 Montgomery street  
San Francisco, California 94104  
Fax: 415-954-4480

Gloria Allred, Esq.  
6300 Wilshire Blvd.  
Los Angeles, California 90048  
Fax: 323-653-1660

Amy Gallegos  
500 S. Grand Avenue  
Suite 1900  
Los Angeles, California 90071  
Fax: 213-337-6701