

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

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

**NATURE OF HEARING:** PRETRIAL HEARING ON STATUS OF Case # 1056770  
PRELIMINARY HEARING

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

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

**Date:** 10/24/03  
**Modesto, California**

**Appearances:**

For the People appearing: Dave Harris, DDA.  
Rick Distaso, DDA,

Defendant present with: Kirk McAllister, Esq.  
Pat Harris, Esq.

Case is regularly called for hearing.

Kirk McAllister, Esq. advised the Court that Attorney Mark Geragos, Esq. had another delay in his trial in Los Angeles and may have to trail for one day. Rick Distaso, Esq. agreed that one day would be better than starting as scheduled on something other than the MTDNA issue.

The Court after hearing statements by Counsel finds good cause to trail the Preliminary Hearing to October 29, 2003.

**IT IS ORDERED:** The Preliminary Hearing of October 28, 2003 is vacated.

Preliminary hearing is set for **October 29, 2003 at 9:30 a.m. in Department 2.**

Counsel advises the Court that they have provided a witness list to each other and witnesses are to be excluded except for the parents of the Defendant and the Victim. The Court ordered that, pursuant to Penal Code Section 867, the witnesses not converse with each other about their testimony.

The Court also made tentative decisions regarding Kelly hearings. They were as follows:

- 1) MTDNA- Kelly hearing required
- 2) GPS- no full Kelly hearing required
- 3) Dog trailing- no Kelly hearing required

The Court indicated that some items referred to by the Prosecution in their GPS motion were not included in the exhibits. Except for one item, which will be provided to both the Court and Defense, the missing items are voluminous and will not be provided; so the Court indicated it would not consider them.

People vs. Peterson  
Case #1056770  
October 24, 2003  
Page Two

The Prosecution states that the issue of GPS evidence might not be presented at the Preliminary Hearing.

Even though the Preliminary Hearing will not be televised, the Court states that the Defendant shall be dressed in civilian clothing if he desires.

The Court and the Attorneys have reviewed the transcripts of September 12, 2003 and October 17, 2003.

**IT IS ORDERED** that the transcripts of September 12, 2003 and October 17, 2003 are certified.

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