

SUPERIOR COURT, STATE OF CALIFORNIA, COUNTY OF STANISLAUS

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

NATURE OF HEARING: MOTION FOR CHANGE OF VENUE Case # 1056770

JUDGE: A. GIROLAMI

Bailiff: L. Sweatman

Date: 1/8/04

Clerk: J. Carvalho

Reporter: S. Lauzon

Modesto, California

D. Aiello

Appearances:

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

Defendant present with: Mark Geragos, Esq.
Pat Harris, Esq.

For ABC News appearing: Rochelle L. Wilcox, Esq.

Case is regularly called for hearing.

Custodian of Records of ABC News, Ms. Slone, pursuant to a Subpoena Duces Tecum provides the Prosecution with videotape of Diane Sawyer's interview with Scott Peterson. The Prosecution will provide a copy to Defense. Attorney Mark Geragos waives foundational objections for trial but requests also the unpublished portion. The Court refuses to make such an order and states he will have to file a formal Subpoena Duces Tecum.

The Court having reviewed and considered the Defendant's Motion for Change of Venue of December 15, 2003, Prosecution's Opposition to Motion for Change of Venue of January 4, 2004, Defense's Reply to the District Attorney's Opposition to Motion for Change of Venue of January 6, 2004 and Prosecution's Rebuttal to the Reply of January 6, 2004., made an oral tentative decision that the Change of Venue will be granted.

Dr. Stephen J. Schoenthaler is called by the Defense and sworn and examined by Counsel regarding his survey on the effect of pretrial publicity.

Defense exhibit C, D and E are offered and received into evidence.

Dr. Ebbe Ebbesen is called by the Prosecution and sworn and examined by Counsel regarding his survey on the effect of pretrial publicity.

After hearing arguments of Counsel, **IT IS ORDERED:** Defendant's Motion for Change of Venue is **Granted.**

Counsel state that Motions In Limine will take 2 weeks, Jury Selection will take 4 weeks and Jury Trial will take 16 weeks.

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The Court having considered Counsels statements regarding the preferred venues, the Court will recommend the following counties to the Administrative Office of the Courts: Santa Clara, San Mateo and Alameda Counties.

The Court is recommending that the following Counties be excluded: all San Joaquin Valley Counties, including Fresno and Sacramento, and San Francisco.

Matter is set for January 20, 2004 at 9:00 a.m. for hearing on the Selection of an appropriate Venue and Certification of the Record for todays transcript and that of December 3, 2003.

Counsel stipulate that all Subpoena Duces Tecum materials received by the Court will be delivered, opened and distributed by the Party requesting it and a copy provided to the opposition. The Parties waived foundational objections.

Defendant is remanded into the Custody of the Sheriff. No bail is set.