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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  
CERTIFICATION OF THE RECORD OF 5/9/03

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

**Bailiff:** L. Sweatman  
**Reporter:** S. Lauzon

**Date:** 5/27/03  
**Modesto, California**

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**Appearances:**

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

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

For the Media (McClatchy Newspaper, Inc.; Contra Costa Newspapers., Inc.:  
San Jose Mercury News, Inc. and San Francisco Chronicle) appearing: Charity  
Kenyon, Esq.

For the Contra Costa County Coroner appearing: Kevin T. Kerr, Esq. Deputy  
County Counsel.

Case is regularly called for hearing.

The Court noted that the following Points and Authorities in regard to  
the Motion to Seal the search warrant documents of 4/21/03 and 4/24/03, the  
Ramey warrant affidavit, and the autopsy reports were read and reviewed:

1. District Attorney's motion and declaration filed 5/6/03.
2. District Attorney's amended motion and declaration filed 5/7/03.
3. Media opposition filed 5/16/03.
4. District Attorney's Points and Authorities filed 5/20/03.
5. Media's supplemental opposition filed 5/22/03.
6. District Attorney's additional Points and Authorities filed 5/23/03.
7. Points and Authorities filed by both sides for the hearing of May 9.

The Court heard preliminary arguments of Counsel, and found that an In  
Camera hearing would be necessary.

From 9:00 a.m. to 9:25 a.m., the Court conducted an In Camera hearing  
on the issues of the sealing of the documents with the following people  
present: Defendant Scott Peterson, Mark Geragos, Esq., Kirk McAllister,  
Esq., Pat Harris, Esq., Nareg Gourjian, Esq., Matt Dalton, Esq., Rick  
Distaso, DDA, David Harris, DDA, Detective Craig Grogan, Coroner Daryl  
England, Clerk Jennifer Carvalho, Bailiff Larry Sweatman and Bailiff Jose  
Perez.

The following witness was sworn and examined by counsel: Detective Craig Grogan. After he testified regarding the necessity of sealing the autopsy report, Mr. Kerr and Mr. England were excused. He was then examined further regarding the necessity of sealing the remaining documents.

Following comments of counsel, the Court ordered that the In Camera proceeding be sealed until further order of the Court.

In open court, Counsel for the People and Defense presented arguments requesting that the documents remain sealed. Counsel for the Media argued to have the records unsealed.

IT IS ORDERED: Matter is taken under submission and the Court indicated a ruling would be made by Minute Order prior to the end of the week. The Court's tentative decision was that the documents would remain sealed at least until the Preliminary Hearing.

Counsel's request to consolidate the June 3, 2003 hearing scheduled in department 5 in front of Judge Beauchesne with the hearing of June 6, 2003 is DENIED.

Regarding the Prosecution's request to release the wiretap evidence, the court considered the filing of May 23, 2003 and the Defense opposition filed by FAX on May 26, 2003. After considering the comments of Counsel, the Court ordered the release only to the Defense of all calls intercepted involving Defense Counsel or the Defense Investigator. Also, all documents relating to those wiretaps were ordered to be provided to the Defense. The Court further ordered that the Defense not disseminate any of the items beyond the Defense team.

The Court noted that the hearing presently set for June 6, 2003 at 8:30 a.m. regarding the requests to inspect the wiretap evidence by others intercepted (including Media) will also cover the issue of the Attorney/Investigator intercepts.

Counsel for the Defense shall submit Points and Authorities for the Release of Audio Recordings on May 30, 2003 by 4:00 p.m. and the People's Response on June 4, 2003 by 4:00 p.m.

On June 6, 2003, the Court will also consider a Protective Order in order to guarantee a fair trial. The Court noted that Rule 5-120 of the Rules of Professional Conduct may need some specific guidelines unique to this case. The Court added that there is also a need to bind others in addition to the Counsel. The Parties are to present their written views, suggested findings and order at least two days before the hearing.

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Per California Rule of Court 980, Media will be allowed at the June 6 hearing in the same manner as previously.

Preliminary hearing is set for July 16, 2003 at 9:30 a.m. in Department 2. The Defendant waives time. District Attorney stated that the Death Penalty is still being sought.

Further pretrial and a hearing issue of Media Coverage of the Preliminary are set for July 9, 2003 at 8:30 a.m. in Department 2. Also, if a Defense request is to be made for a closed Preliminary Hearing, it is to be done at that time.

Counsel for the People and the Defense are to submit their views and Points and Authorities by 6/25/03 and the Media's Response shall be submitted by 7/2/03.

The Court and the Attorneys have reviewed the transcript of May 9, 2003. The transcript is corrected as stated on the record.

**IT IS ORDERED** that the transcript of May 9, 2003 is certified. The Court reminded Counsel of the requirements of Rule 39.52(g) and also instructed the Court Reporter to inform all those transcribing these proceedings of the requirement of Rule 39.52 (i).

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

Copy sent to:

2 Dave Harris, DDA  
2 Mark Geragos, Esq.  
2 Kirk McAllister, Esq.  
2 Jail