

SUPERIOR COURT, STATE OF CALIFORNIA, COUNTY OF STANISLAUS

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

NATURE OF HEARING: FIRST DAY OF PRELIMINARY HEARING Case # 1056770

JUDGE: A. GIROLAMI

Bailiff: L. Sweatman

Date: 10/29/03

Clerk: J. Carvalho

Reporter: L. Yard
J. Webber

Modesto, California

Appearances:

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

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

Case is regularly called for preliminary hearing.

Attorney Rick Distaso states that they do not plan on presenting any evidence on GPS and wiretap evidence at the Preliminary Hearing. Attorney Mark Geragos, Esq. stated that he still wanted to pursue his motions pertaining to the wiretaps. The Court tentatively stated it had no jurisdiction unless the Prosecution attempted to introduce the evidence and that the Defense is to provide Points and Authorities supporting their position that their motion can be heard at the Preliminary Hearing.

Prospective witnesses are to be excluded from the Preliminary Hearing except for the parents and family of each side.

Attorney Mark Geragos requests that the attorney of Amber Frey to be excluded from the Courtroom. Gloria Allred, Esq. is examined by the Court. Request is denied, but Ms. Allred was ordered not to discuss Court testimony with her client.

The following witness is sworn and testifies for the People: Dr. Constance L. Fisher of FBI, Washington, D.C.

People's exhibit 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 21a, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 are offered for identification only.

Defense exhibit A, B, C, D, E are offered for identification only.

The Court after hearing the foundational testimony, finds that the witness, Dr. Constance L. Fisher can testify as an expert witness. The Kelly issue is deferred until the Defense expert testifies, so that the testimony is subject to a Motion to strike.

People vs. Scott Peterson
Case #1056770
Page Two
October 29, 2003

Further Preliminary Hearing is set for October 30, 2003 at 9:30 a.m.
in Department 2.

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