

SUPERIOR COURT, STATE OF CALIFORNIA, COUNTY OF STANISLAUS

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

**NATURE OF HEARING:** ISSUE OF 170.6 CODE OF CIVIL PROCEDURE NO: 1056770  
CERTIFICATION OF TRANSCRIPT OF 5/5/03 and 5/6/03  
LODGING OF SEAL DOCUMENTS

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

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

**Date:** 5/9/03  
**Modesto, California**

**Appearances:** Rick Distaso, DDA  
**For the People appearing:** Dave Harris, DDA

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

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

Case is regularly called for hearing.

The Court and the attorneys have reviewed the transcripts of the May 5, 2003 and May 6, 2003 hearings. The transcripts were corrected as stated on the record.

**IT IS ORDERED** that the transcripts of May 5, 2003 and May 6, 2003 are certified.

Defense Counsel, Mark Geragos, advised the Court that he does not plan on filing a Writ on the ruling of 5/5/03 on the issue of the 170.6 Code of Civil Procedure.

The Court has reviewed the brief submitted by the Media filed for today's hearing, and having heard the arguments of counsel, unless the DCA instructs this Court otherwise, this Court intends to handle sealing requests as follows:

1. Judge Beachesne will be handling the search warrant returns which were part of the Modesto Bee Motion as the 170.6 applies.
2. All search warrant returns not handled by Judge Beauchense will be handled by this Department.
3. This Court will handle the issues of the arrest warrant affidavit as that is not part of the DCA decision and Judge Beauchense has not ruled on the merits.

For the hearing of May 27, 2003, the Media presently before the Court are to submit their Points and Authorities at least 10 days before the 27th and the Prosecution and Defense may reply at least 5 days before the hearing. Service by FAX is acceptable, except the Court requires a hard copy within one day following. Any other Media wishing to file separate Points and Authorities must first obtain permission from the Court and will be granted an appearance only upon a showing of good cause.

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Pursuant to Rule of Court §243.1(d), the Counsel for People have submitted records in sealed envelopes labeled "Conditionally Under Seal" to be lodged with the Court. After making findings, the Court accepted the sealed documents and ordered the clerk to endorse the cover sheets with date of receipt and to provide the envelopes to the Criminal Unit Supervisor for retaining them under seal. The Criminal Unit Supervisor is directed to open and make copies for both the Prosecution and the Defense and then reseal the envelopes. The same Protective Orders previously issued remain in effect. Prior to the hearing Judge Girolami will personally unseal the documents and review them in order to rule on the Motion.

The Court noted that media coverage of the May 27th hearing will be the same pool arrangements that were made on May 5 and coordination is through the Courts Media Coordinator.

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

Copy sent to:

Dave Harris, DDA  
Rick Distaso, DDA  
Mark Geragos, Esq.  
Kirk McAllister, Esq.  
Jail