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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **COUNTY OF SAN MATEO**

13 In re

14 SCOTT LEE PETERSON,

16 **On Habeas Corpus.**

**CAPITAL CASE**

San Mateo Case No. SC055500A  
Case No.: S230782  
Related Case No. S132449

**RETURN TO THE PETITION FOR  
WRIT OF HABEAS CORPUS;  
MEMORANDUM OF POINTS AND  
AUTHORITIES; AND EXHIBITS**

Dept: TBD  
Judge: Hon. Anne-Christine Massullo

**TABLE OF CONTENTS**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Statement of Facts from the California Supreme Court’s Opinion Affirming the Judgment as to Guilt .....8

People’s Responses to the Facts Alleged by Petitioner that Petitioner was Deprived of his Fifth, Sixth and Eighth Amendment Rights to a Fair and Impartial Jury, and a Reliable Determination of Penalty by a Seated Juror’s Concealment of Bias During Voir Dire .....19

Introduction.....39

Habeas Corpus Standards .....41

Memorandum of Points and Authorities .....42

    I. Good Faith When Answering Voir Dire Questions Is the Most Significant Indicator That There Was No Bias.....42

    II. Juror No. 7 Answered the Questions in Good Faith .....43

        A. Juror No. 7’s Lack of Understanding of the Term “Lawsuit”.....44

        B. Juror No. 7 Had Not Participated in a Trial as a Party or Witness .....49

        C. Juror No. 7 Was Neither a “Victim” of, or a “Witness” to, a Crime.....50

    III. Petitioner’s Authority.....54

    IV. Petitioner’s Trial Counsel Wanted Juror No. 7 on the Jury.....63

    V. Juror No. 7’s Post-Verdict Letters to Petitioner Demonstrate Concern for Both Victims and the Family Members Involved, Not Only Conner.....66

        A. First Letter.....66

        B. Second Letter.....67

        C. Third Letter.....67

        D. Fourth Letter.....67

        E. Fifth Letter.....67

        F. Sixth Letter.....68

        G. Seventh Letter.....68

**TABLE OF CONTENTS**  
(continued)

VI. The Affidavits of Juror No. 1 and Juror No. 6 Do Not Constitute Competent Evidence.....69

    A. Specific Evidentiary Objections to Declaration of Juror No. 6, Submitted July 14, 2018 as Exhibit No. 50 .....69

    B. Specific Evidentiary Objections to Declaration of Juror No. 1, Submitted July 12, 2018 as Exhibit No. 51.....75

Conclusion.....79

Exhibit 1 (Declaration of Juror No. 7).....81

Exhibit 2 (Post OSC Documents).....82

**TABLE OF AUTHORITIES**

1	<b><u>TABLE OF AUTHORITIES</u></b>	
2	CASES	PAGE(S)
3	<i>Allen v. Humboldt County Board of Supervisors</i> (1963) 220 Cal.App.2d 877.....	45
4	<i>Barnes v. Glide</i> (1897) 117 Cal. 1 .....	45
5	<i>Day v. Sharp</i> (1975) 50 Cal.App.3d 904 .....	25
6	<i>Dyer v. Calderon</i> (9thCir. 1998) 151 F.3d 970 .....	62
7	<i>Garcia v. Lacey</i> (2014) 231 Cal.App.4th 402.....	45
8	<i>Hasson v. Ford Motor Co.</i> (1982) 32 Cal.3d 388.....	58
9	<i>In re Bacigalupo</i> (2012) 55 Cal.4th 312 .....	42
10	<i>In re Boyette</i> (2013) 56 Cal.4th 866.....	42, 43, 47, 48, 63
11	<i>In re Carpenter</i> (1995) 9 Cal.4th 634 .....	40
12	<i>In re Clark</i> (1993) 5 Cal.4th 750 .....	41, 42
13	<i>In re Cowan</i> (2018) 5 Cal.5th 235 .....	22, 48, 49, 54, 57, 63
14	<i>In re Hamilton</i> (1999) 20 Cal.4th 273 .....	37, 38, 43, 63
15	<i>In re Hitchings</i> (1993) 6 Cal.4th 97 .....	<i>passim</i>
16	<i>In re Lewallen</i> (1979) 23 Cal.3d 274 .....	42
17	<i>In re Manriquez</i> (2018) 5 Cal. 5th 785 .....	46, 48, 49, 54, 57, 63
18	<i>In re Reno</i> (2012) 55 Cal.4th 428 .....	41
19	<i>McDonough Power Equipment, Inc. v. Greenwood</i> (1984) 464 U.S. 548 .....	42, 62, 63
20	<i>People v. Allen and Johnson</i> (2011) 53 Cal.4th 60 .....	47
21	<i>People v. Blackwell</i> (1987) 191 Cal.App.3d 925.....	56, 57
22	<i>People v. Diaz</i> (1984) 152 Cal.App.3d 926.....	<i>passim</i>
23	<i>People v. Duvall</i> (1995) 9 Cal.4th 464 .....	19, 41, 42
24	<i>People v. Freeman</i> (1978) 22 Cal. 3d 434 .....	25
25	<i>People v. Gonzalez</i> , (1990) 51 Cal.3d 1179.....	41
26	<i>People v. Jackson</i> (1985) 168 Cal.App.3d 700.....	58, 59
27	<i>People v. Kelly</i> (1986) 185 Cal.App.3d 118 .....	59, 60
28	<i>People v. McPeters</i> (1992) 2 Cal.4th 1148.....	57

**TABLE OF AUTHORITIES**

(continued)

CASES	PAGE(S)
<i>People v. Merriman</i> (2014) 60 Cal.4th 1 .....	43
<i>People v. Miles</i> (2020) 9 Cal. 5th 513 .....	24, 63
<i>People v. Nesler</i> (1997) 16 Cal.4th 561 .....	37, 43
<i>People v. Resendez</i> (1968) 260 Cal.App.2d 1 .....	58, 59, 60
<i>People v. Romero</i> (1994) 8 Cal.4th 728.....	19
<i>People v. Rubio</i> (1977) 71 Cal. App. 3d 757 .....	25
<i>People v. San Nicolas</i> , (2004) 34 Cal. 4th 614 .....	<i>passim</i>
<i>People v. Superior Court (Pearson)</i> (2010) 48 Cal.4th 564 .....	19
<i>People v. Sur. Ins. Co.</i> (1982) 136 Cal. App. 3d 556 .....	25
<i>People v. Williams</i> (1981) 29 Cal.3d 392 .....	59
<i>Smith v. Phillips</i> (1982) 455 U.S. 209 .....	42
STATUTES	
Cal. Const., art. I, § 16 .....	19
Cal. Evid. Code §452.....	38
Cal. Evid. Code §453.....	38
Cal. Code Civ. Proc. § 237 .....	22
Cal. Code Civ. Proc § 527.6.....	46
U.S. Const., 6th and 14th .....	19
RULES	
Cal. Rules of Court, rule 4.574(d).....	42
Fed. Rules Civ. Proc., rule 3 .....	45

1 TO: THE HONORABLE ANNE-CHRISTINE MASSULLO, JUDGE OF THE SUPERIOR  
2 COURT IN AND FOR THE COUNTY OF SAN MATEO:

3 Respondent makes this return to the Order to Show Cause issued by the California  
4 Supreme Court on October 14, 2020 as follows:

5 I.

6 On or about December 23 or 24, 2002, Petitioner Scott Peterson killed his wife Laci  
7 Peterson who was eight and a half months pregnant with their unborn son, Conner.

8 II.

9 On November 12, 2004, Peterson was found guilty of first-degree murder of Laci  
10 Peterson and second-degree murder of their unborn son, Conner. On December 13, 2004, the  
11 jury returned a verdict of death. On March 16, 2005, the San Mateo County Superior Court  
12 imposed a judgment of death in case number SC055500A which was vacated on August 24,  
13 2020 by the California Supreme Court on automatic appeal in case number S132449.

14 III.

15 In a separate Petition for a Writ of Habeas Corpus matter (this matter herein) the  
16 California Supreme Court has ordered the Respondent to show cause as to “why the relief  
17 prayed for should not be granted on the ground that Juror No. 7 committed prejudicial  
18 misconduct by not disclosing her prior involvement with other legal proceedings, including but  
19 not limited to being the victim of a crime, as alleged in Claim 1.”

20 IV.

21 Respondent contends that Petitioner’s juror misconduct claim is not supported by  
22 competent or admissible evidence that would warrant an evidentiary hearing as to Claim I.

23 V.

24 Respondent contends that Juror No. 7’s answers or omissions to the questions in the  
25 juror questionnaire do not evidence bias against Petitioner.

26 VI.

27 Respondent contends that, even assuming that Juror No.7 answered questions incorrectly  
28 creating an inference of juror misconduct, the presumption of prejudice has been rebutted

1 because the offending conduct alleged by Petitioner does not present a substantial likelihood  
2 that Juror No. 7 was actually biased against Petitioner.

3 VII.

4 Except as expressly stated, Respondent denies each and every allegation of the petition  
5 for writ of habeas corpus, for the reasons stated in the memorandum of points and authorities  
6 filed herewith and incorporated herein by this reference.

7 VIII.

8 Respondent denies that Petitioner's statutory or constitutional rights were violated in any  
9 manner.

10 IX.

11 If Petitioner disputes any fact in this Return deemed by this Court to be material,  
12 Respondent respectfully requests that this Court set this matter for an evidentiary hearing on the  
13 material disputed questions of fact related to the Supreme Court's Order.

14 WHEREFORE, respondent respectfully requests that this Court deny Petitioner's request  
15 for an evidentiary hearing, discharge the Order to Show Cause and deny the alleged juror  
16 misconduct claim made in the petition for writ of habeas corpus.

17  
18 Dated: December 11, 2020

Respectfully Submitted,

19 BIRGIT FLADAGER  
20 District Attorney  
County of Stanislaus

21 *David P. Harris*

22 DAVID P. HARRIS  
23 Assistant District Attorney

24 Attorneys for Respondent  
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1 **STATEMENT OF FACTS FROM THE CALIFORNIA SUPREME COURT’S OPINION**  
2 **AFFIRMING THE JUDGMENT AS TO GUILT**

3 On August 24, 2020, the California Supreme Court affirmed the verdict as to guilt,  
4 reversed the judgment as to the sentence of death, and remanded the matter for a new penalty  
5 determination. Thus, guilt is not at issue in this habeas proceeding. The sole question here is  
6 whether “Juror No.7 committed prejudicial misconduct by not disclosing her prior involvement  
7 with other legal proceedings” in order to be selected for jury service. Petitioner has the burden  
8 to show that she did so. The following facts of the case are taken directly from the Opinion of  
9 the California Supreme Court:

10 *A. Guilt Phase Trial*

11 *1. Prosecution Evidence*

12 *Peterson and Laci Rocha met in San Luis Obispo, where Laci was attending college and*  
13 *Peterson was working in a restaurant. They married in 1997. They opened and ran a*  
14 *restaurant together in San Luis Obispo. In 2000, they moved to Modesto and bought a house.*  
15 *Laci took a job as a substitute teacher, while Peterson ran a start-up fertilizer company name*  
16 *TradeCorp U.S.A. out of a leased warehouse. Some years after the two married, Laci became*  
17 *pregnant; the baby – whom the couple had name Conner – was due in February 2003.<sup>1</sup>*

18 *On December 23, 2002, Laci went grocery shopping around midday. She also had a*  
19 *prenatal medical checkup. In the later afternoon, both Laci and Peterson went to a salon where*  
20 *Laci’s sister, Amy Rocha, worked. Amy mentioned that she had ordered a gift basket for a*  
21 *family member that needed to be picked up the next day by 3:00 p.m. Peterson volunteered to*  
22 *get it for her, as he was going golfing nearby. Peterson also invited Amy to dinner, but she*  
23 *declined because she had prior plans. That night, Laci and her mother, Sharon, spoke on the*  
24 *phone and confirmed that Laci and Peterson would join Sharon and Sharon’s longtime partner,*  
25 *Ron Grantski, for dinner the following night, Christmas Eve.*

26 *At 10:18 the following morning, a neighbor, Karen Servas saw the Petersons’ dog,*

27 \_\_\_\_\_  
28 <sup>1</sup> For clarity, we generally will refer to Laci Peterson (néé Rocha) and Conner by their first names. We will also sometimes refer to members of Laci’s immediate family – her mother, Sharon Rocha; her sister, Amy Rocha; and her brother, Brent Rocha – by their first names. No disrespect is intended to any of these individuals.

1 McKenzie, wandering unaccompanied on the street, wearing his leash. Peterson's truck was  
2 gone; Laci's car was still in the driveway. There were no signs of activity at the house, so  
3 Servas put McKenzie in the Petersons' backyard and closed the gate. That afternoon, Grantski  
4 tried to reach Laci, without success. Around 3:45 p.m., Amy received a call that her gift basket  
5 had not been picked up. She was unable to reach Peterson. Neighbors reported Peterson's  
6 truck still absent at 4:05 p.m., but back by 5:30 p.m.

7 At around 5:15 p.m., Peterson called Sharon and asked if Laci was there. He described  
8 Laci as "missing." Sharon suggested he check with friends and neighbors. Peterson called  
9 Sharon back shortly afterwards and reported the people he had spoken to had not seen Laci  
10 either. Sharon told Grantski to call the police. Officers soon met Peterson, Sharon, and  
11 Grantski at a nearby park. Neighbors and other relatives gathered at the park as well. Grantski  
12 spoke with Peterson and asked if he had gone golfing that day. Peterson said he had changed  
13 his mind and gone fishing instead. Told what time Peterson had gone, Grantski suggested it was  
14 an unusually late time to be fishing. Peterson walked off without responding. Peterson told a  
15 cousin of Sharon's and two neighbors that he had been golfing all day. He volunteered to Sandy  
16 Rickard, a friend of Sharon's, that he would not be surprised if the police found blood in his  
17 truck because he cut his hands all the time.

18 Police inspected the Peterson home. There were no signs of forced entry, nothing  
19 appeared missing, and Laci's purse was still there. Peterson told officers he and Laci had  
20 watched television that morning, and Laci had planned to walk the dog and go grocery  
21 shopping. Peterson decided to go fishing in the San Francisco Bay. He went to his company  
22 warehouse where he stored a boat, drove to the Berkeley Marina, fished for two hours, and quit  
23 because the day was cold and rainy. He tried calling Laci on the home phone and her cell phone  
24 but did not reach her. Peterson got home around 4:30 p.m. He washed his clothes, ate some  
25 pizza, and then called Sharon to track down Laci.

26 Officer Matthew Spurlock asked what time Peterson was fishing. He also asked what  
27 Peterson was fishing for and what lure he used. According to Spurlock and Officer Derrick  
28 Letsinger, Peterson gave slow and initially noncommittal answers. He "really didn't give a

1 responsive time” and, when asked what he was fishing for, paused, gave a blank look, and  
2 “mumbled some stuff” without really answering. Peterson likewise responded with a blank look  
3 when asked about his lure, but after some delay came up with a size and color description.

4         *Detective Allen Brocchini was called to the Peterson home. He found wet towels on top*  
5 *of the washing machine. Peterson explained that he had taken them out so that he could wash*  
6 *the clothes he had worn that day. Inside the washing machine were Peterson's jeans, shirt, and*  
7 *green pullover jacket. In the bedroom, officers observed a laundry hamper nearly full of clothes.*  
8 *With consent, Detective Brocchini examined Peterson's truck and saw large patio umbrellas and*  
9 *a tarp in the truck bed. Inside the truck cab, he found a fishing rod and a bag containing a*  
10 *package of unused fishing lures and a receipt indicating the items had all been purchased on*  
11 *December 20. Peterson handed him a Berkeley Marina parking receipt that indicated Peterson*  
12 *had entered at 12:54 p.m. On the backseat was a camouflage jacket Peterson said he had worn*  
13 *fishing that day. Brocchini and Peterson then went to Peterson's warehouse. There, Brocchini*  
14 *observed what he described as a “homemade anchor” made of concrete in Peterson's boat, but*  
15 *no long rope to attach it to the boat.*

16         *Peterson agreed to a further interview at the Modesto police station. Peterson repeated*  
17 *that Laci had planned to walk the dog and go grocery shopping. For his part, Peterson decided*  
18 *to go fishing because it was too cold to golf. He went to his warehouse, then to the Berkeley*  
19 *Marina around 1:00 p.m., and fished for 90 minutes near an area that was later identified as*  
20 *Brooks Island.<sup>2</sup> Peterson did not pack a lunch or stop to eat on the way to or from the marina.*  
21 *On the way back, Peterson called Laci on their home phone and left two messages on her cell*  
22 *phone.<sup>3</sup> He dropped off his boat at the warehouse and went home. Peterson told officers that*  
23 *there were no problems in his marriage.*

24         *Peterson had a follow-up interview with Detective Craig Grogan and an investigator*  
25 *from the state's Department of Justice on Christmas Day, December 25. Peterson explained that*

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26  
27 <sup>2</sup> Peterson said he left the house with no jacket on, put on a green pullover jacket, and then put the camouflage  
28 jacket over that when it started raining. The camouflage jacket, when Detective Brocchini saw it in Peterson's truck  
a few hours later, was dry.

<sup>3</sup> When messages on Laci's cell phone were played, only one voice message from Peterson was found.

1 *he had never fished on the San Francisco Bay before but wanted to test out his boat. He troll*  
2 *fished<sup>4</sup> for an hour on the way out to Brooks Island from the marina dock. Peterson suggested*  
3 *Laci might have been robbed of her jewelry by a transient and then kidnapped. He denied being*  
4 *involved in an affair with anyone. Later that day, Peterson called Detective Brocchini to check*  
5 *on the investigation. He asked if the police would be using cadaver dogs<sup>5</sup> to search for Laci.*  
6 *Brocchini explained that they would not, because no one assumed Laci was dead.*

7 *In the days after Christmas, the Modesto Police Department executed search warrants*  
8 *on the Peterson home and Peterson's warehouse. Police confirmed that there had been no*  
9 *forced entry at the house. None of Laci's jewelry was missing, other than one pair of diamond*  
10 *earrings. Traces of Peterson's blood were found on a comforter in the master bedroom. In sheds*  
11 *in the backyard, police found the cover to Peterson's boat, smelling heavily of gasoline,<sup>6</sup> as well*  
12 *as a blue tarp. The boat cover had chunks of concrete in it. In Peterson's truck, police found*  
13 *additional spots of Peterson's blood. Peterson explained that he had cut his hand on the truck*  
14 *door. Police found small chunks of cement and a claw hammer with cement powder on it in the*  
15 *truck's bed.*

16 *At the warehouse, the police inspected the boat and found a pair of pliers under the*  
17 *middle seat. The pliers had hair clamped in their teeth. Subsequent mitochondrial DNA testing*  
18 *of a hair fragment determined that the hair matched a reference sample from Sharon, which*  
19 *meant that its donor had the same maternal lineage as Sharon. The hair did not match*  
20 *Peterson's.*

21 *During the search of the Peterson home, articles that Laci would have touched were*  
22 *collected to give to trailing dogs to enable them to search for Laci's scent. These included a*  
23 *slipper and a pair of sunglasses. On December 28, four days after Laci disappeared, Trimble, a*  
24 *trailing dog, was presented Laci's sunglasses at the Berkeley Marina. Trimble alerted to Laci's*  
25 *scent along a path that led out onto a dock and ended at the water.*

26 \_\_\_\_\_  
27 <sup>4</sup> Troll fishing involves dragging a baited line through the water.

28 <sup>5</sup> Cadaver dogs are trained to scent and alert to decomposing human remains.

<sup>6</sup> At trial, evidence was introduced that gasoline makes it extremely difficult for trailing dogs to identify a human scent.

1            *On December 30, a woman named Amber Frey contacted the police after a friend*  
2 *advised her that Peterson, who she thought was unmarried with no children, and with whom she*  
3 *had been having a relationship since November, was connected to the disappearance of his*  
4 *pregnant wife. Frey and Peterson had had their first date on November 20 and had immediately*  
5 *become sexually intimate. Their relationship had progressed to the point where Peterson had*  
6 *stayed over at Frey's home, picked up Frey's young daughter from daycare, gone to various*  
7 *parties with Frey, alone and with her daughter, picked out a Christmas tree with Frey, and*  
8 *discussed their views on having children. Peterson initially told Frey he had never been married*  
9 *and had no children, but on December 6 a friend of Frey's discovered otherwise and gave him*  
10 *an ultimatum to tell Frey by December 9 or else she would. On December 9, Peterson explained*  
11 *to Frey that he had in fact been married, but had "lost" his wife, and the upcoming holidays*  
12 *would be his first without her. On December 15, Peterson told Frey he would be in Europe on*  
13 *business through the rest of the month and much of January. On December 23, after Frey asked*  
14 *where she should send him things while he was away, Peterson rented a private mailbox to*  
15 *which Frey could send letters. He called Frey that day, claiming to be in Maine duck hunting*  
16 *with his father, and again on Christmas Day, supposedly still from Maine.*

17            *After meeting with police, Frey agreed to cooperate and tape future calls from Peterson.*  
18 *On New Year's Eve, Peterson called Frey from a vigil for Laci, claiming to be in Paris watching*  
19 *fireworks over the Eiffel Tower. He called Frey again on New Year's Day and in the days after,*  
20 *maintaining the fiction that he was in Europe. On January 3, 2003, when police confronted*  
21 *Peterson with a picture of himself and Frey, Peterson denied that it was him in the photo and*  
22 *that he was having an affair.*

23            *On January 6, at the instigation of police, Frey dropped hints that a friend had learned*  
24 *the truth and would tell her in a matter of hours.<sup>7</sup> In response, Peterson finally admitted to Frey*  
25 *that he was married to a woman named Laci and had been in Modesto the entire time. The next*  
26 *day, when Frey asked if Peterson had told Laci about her, Peterson said he had and that Laci*

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27 \_\_\_\_\_  
28 <sup>7</sup> Laci's disappearance swiftly became the subject of widespread media attention. To maintain the pretense that she did not know the truth about Peterson yet, Frey denied watching the news.

1 was “fine” with his having an affair. Later in the month, once news media had made the affair  
2 public, Peterson, in an interview aired nationwide, repeated that Laci was fine with his having  
3 an affair and said he had disclosed the affair to the police immediately. On February 19, at the  
4 direction of police investigators, Frey told Peterson they should stop talking.

5 In January, after obtaining a warrant, police placed a surveillance camera outside the  
6 Peterson home and GPS tracking devices on Peterson's vehicles, including a series of cars and  
7 trucks Peterson rented for a few days at a time. Surveillance data from these devices and visual  
8 surveillance by the police showed Peterson driving the approximately 90 miles from his home to  
9 the Berkeley Marina at least five times in January, each time using a different vehicle. On  
10 January 5, he drove there in a gray Subaru, spent five or ten minutes, and left. On January 6, he  
11 returned to the marina in a red Honda and again spent only a few minutes. On January 9,  
12 Peterson drove there in a white pickup truck. On January 11, after determining that their cover  
13 had been blown, the Modesto Police Department shut down surveillance at the Peterson home.  
14 Nonetheless, from tracking data supplied by the automobiles' manufacturers, police were able  
15 to determine that Peterson returned to the marina on January 26 in Laci's Land Rover and on  
16 January 27 in a rented Dodge Dakota.

17 During the same period, Peterson began to make various changes to his work and living  
18 situations. On January 13, Peterson gave 30 days' notice that he was terminating his warehouse  
19 lease, which was not up until October. That same month, he started discussions to sell the  
20 Peterson home. On January 29, Peterson sold Laci's car, trading it in for a Dodge Dakota  
21 pickup truck. On January 30, he stopped home mail delivery and directed that all mail be  
22 delivered to the post office box he had set up on December 23. The nursery for Conner was  
23 converted into storage space. On February 18, satellite television service to the Peterson home  
24 was canceled; the satellite company's records indicated the customer had explained he was  
25 moving overseas.

26 A \$500,000 reward was posted by a private foundation for information leading to Laci's  
27 return. For months, no useful leads turned up. Even when potentially promising sightings were  
28 reported, Peterson appeared to show little interest. For example, the prosecution presented

1 *evidence collected from an authorized wiretap of Peterson's phone that showed he took days to*  
2 *follow up with police about a possible sighting in Washington, though he told others —*  
3 *including his mother — that he had followed up with police immediately. Peterson similarly told*  
4 *a business associate he was waiting near the airport in case he needed to fly up to Washington,*  
5 *though at the time, Peterson was not near any airport.*

6 *In mid-April, a significant storm hit the San Francisco Bay Area. On April 13, after the*  
7 *storm had passed, a couple walking their dog came upon Conner's badly decomposed body,*  
8 *apparently washed ashore along with other storm debris. The location was just over a mile from*  
9 *the southern tip of Brooks Island. The next morning, Laci's body was discovered on the*  
10 *shoreline at Point Isabel, south of Conner's body and again just over a mile from Brooks Island.*  
11 *Laci's body had barnacles and duct tape on it. From residual clumps of fabric, it was possible to*  
12 *determine that she had been wearing light-colored capris. The clothing was consistent with the*  
13 *recollection of Amy, who testified that Laci was wearing cream-colored pants when she last saw*  
14 *her sister on December 23. It was, however, inconsistent with the recollection of Peterson, who*  
15 *told police that Laci was wearing black pants when he last saw her on December 24. Days later,*  
16 *DNA testing confirmed the identities of the two bodies.*

17 *Dr. Brian Peterson (no relation to the Petersons) performed autopsies on both bodies.*  
18 *Laci's body had several parts missing, including her head, forearms, and one lower leg.*  
19 *Changes to the tissue suggested her body had been in a marine environment. Tidal action and*  
20 *marine animals could explain the missing body parts. Laci's uterus was still enlarged, her birth*  
21 *canal was closed, and there was no evidence of a birth, which indicated she had died while still*  
22 *pregnant. Dr. Allison Galloway, a forensic anthropologist given the remains to analyze, testified*  
23 *that Laci had been in water for three to six months. Given the condition of the body, it was not*  
24 *possible to determine a cause of death.*

25 *Conner's body was intact. There was tape on his neck but no associated injuries, which*  
26 *led Dr. Peterson to conclude the tape was just debris that had become attached to Conner after*  
27 *his death. There was no clothing on the body. Conner still had part of his umbilical cord and*  
28 *meconium in his intestines, which indicated he had died before birth. Based on his size and the*

1 *softness of his tissue, Dr. Peterson opined that Conner must have remained protected inside*  
2 *Laci's uterus for some time after death; had he spent a significant period of time exposed in the*  
3 *water, he would have been eaten by marine animals.*

4 *As mentioned, Laci had had a prenatal checkup on December 23. Based on ultrasounds,*  
5 *Conner was at 32 to 33 weeks of gestation. Post-mortem measurements of his bone growth*  
6 *allowed Dr. Gregory DeVore to estimate Conner's date of death as falling between December*  
7 *21 and December 24, with an average of December 23. Both Dr. Esther Towder, Laci's*  
8 *gynecologist who conducted the December 23 checkup, and Dr. Peterson testified that based on*  
9 *his age and health, Conner would have survived had he been born that day.*

10 *Dr. Ralph Cheng, a hydrologist with the United States Geological Survey, was contacted*  
11 *by the Modesto Police Department in February, while Laci was still missing, and again in May,*  
12 *after she and Conner had been found. The first time, he was asked to assume that Laci's body*  
13 *had been dumped with weights into the San Francisco Bay and, based on that assumption, to*  
14 *estimate where the body might be found. The second time, after the bodies had been found, Dr.*  
15 *Cheng was asked to estimate where they might have originated. He was able to estimate a*  
16 *location for Conner near the southern tip of Brooks Island, but no likely location for Laci.*  
17 *Divers searching the bay at Dr. Cheng's target location were unable to find any relevant*  
18 *evidence.*

19 *On April 12, the day before Conner's body was found, Peterson bought a car using his*  
20 *mother's name, Jacqueline, as his own, providing a fake driver's license number, and paying*  
21 *\$3,600 in cash. He had grown a goatee and mustache and appeared to have dyed his hair. On*  
22 *April 15, when Sharon called him about the discovery of the (as-yet unidentified) bodies of*  
23 *Conner and Laci, Peterson did not return her call. Believing Peterson might flee, police*  
24 *arrested him on April 18. When arrested, Peterson had nearly \$15,000 in cash, foreign*  
25 *currency, two drivers' licenses (his own and his brother's), a family member's credit card,*  
26 *camping gear, considerable extra clothing, and multiple cell phones.*

27 *The prosecution introduced evidence concerning the Petersons' finances. The Petersons'*  
28 *expenses were high in relation to their current income. TradeCorp U.S.A. had never been*

1 profitable, posting operating losses of \$40,000 and \$200,000 in consecutive years; the company  
2 was not meeting sales goals, and it owed its parent company \$190,000. Peterson had signed  
3 multiple credit card applications in the company's name containing misrepresentations as to the  
4 company's income.

5 *In fall 2002, Laci inherited jewelry and, at Peterson's request, had some of the items*  
6 *appraised. They were valued at more than \$100,000. Computers seized from the Peterson home*  
7 *and the warehouse showed e-mails sent from an account bearing the username "slpete1"*  
8 *discussing the sale of jewelry, and eBay records likewise showed Peterson had posted jewelry*  
9 *items for sale. Laci also stood to inherit one-third of the proceeds from the sale of her*  
10 *grandfather's house, an interest estimated to be worth around \$140,000. Laci's interest would*  
11 *terminate on her death, with no right of survivorship to Peterson, but it was unclear whether*  
12 *Peterson was aware of the limitation; Brent, the cotrustee of the grandparents' estate, had not*  
13 *told Peterson about the provision.*

14 *The prosecution also submitted additional background concerning Peterson's fishing.*  
15 *Computers seized from the Peterson home and the warehouse showed that someone had*  
16 *conducted searches of classified advertisements for boats on December 7, the day after*  
17 *Peterson learned he would no longer be able to conceal his marriage from Frey. That same day,*  
18 *Peterson called Bruce Peterson (no relation) about a boat for sale. Peterson inspected the boat*  
19 *the next day and bought it on December 9, without the anchors that came with the boat.*  
20 *Peterson never registered the boat, nor did he ever mention the purchase to his father; to*  
21 *Grantski, an avid fisherman who had invited Peterson to fish several times; to other members of*  
22 *the Rocha family; or to his friend Gregory Reed, with whom he frequently discussed fishing.*  
23 *Review of the seized computers' browser histories also showed someone conducting searches on*  
24 *December 8 for boat ramps on the Pacific Ocean, then examining nautical charts, currents, and*  
25 *maps for the Berkeley Marina and San Francisco Bay, including the area around Brooks Island.*  
26 *There were also visits to fishing-related websites.*

27 *December 24, the day Peterson said he was fishing, was gray, damp, and cold with a bit*  
28 *of wind. Few people were at the Berkeley Marina. When questioned by police, Peterson would*

1 *not say what he was hoping to catch, but the fishing searches performed from his computer*  
2 *earlier in the month had included searches relating to sturgeon and striped bass. Angelo*  
3 *Cuanang, a published author on fishing in the San Francisco Bay who was accepted by the*  
4 *court as an expert fisherman, testified that Brooks Island was the wrong place to seek sturgeon,*  
5 *which congregated in a different part of the bay that time of year. Sturgeon also preferred live*  
6 *bait to lures, and Peterson's rod was too weak to catch them. Anchoring was essential to reel in*  
7 *sturgeon; the homemade cement anchor in his boat would have been inadequate. Finally, it was*  
8 *illegal to troll for sturgeon, as Peterson claimed to have done. Peterson's lures and the time of*  
9 *year he was fishing were also wrong for catching striped bass.*

10 *The prosecution's theory was as follows: Peterson killed Laci sometime on the night of*  
11 *December 23 or morning of December 24. On the morning of the 24th, Peterson let their dog*  
12 *McKenzie out with his leash on to make it appear something had happened while Laci was*  
13 *walking him. He wrapped Laci's body in a tarp in the bed of his truck, covered her with the*  
14 *patio umbrellas, drove to the warehouse, and then moved her body into his boat.<sup>8</sup> He drove to*  
15 *the Berkeley Marina, motored out to an area near Brooks Island, and slipped her body,*  
16 *attached to homemade concrete weights like the homemade anchor Peterson had made, into the*  
17 *bay.<sup>9</sup> Peterson then returned to Modesto, dropped off the boat at the warehouse, put the boat*  
18 *cover out back under a leaky gas blower so that any scent would be obscured, washed his*  
19 *clothes, and proceeded with the ruse that Laci was missing, hoping her body would never be*  
20 *discovered.*

## 21 *2. Defense Evidence*

22 *The defense argued the police had not diligently pursued whether a person or persons*  
23 *other than Peterson were more likely responsible for Laci's disappearance and murder. The*  
24 *defense presented evidence that a burglary had occurred on the Petersons' street the week of*  
25 *her disappearance and argued that the police failed adequately to follow up on whether that*

---

27 <sup>8</sup> *The prosecution introduced photographs of a district attorney's office employee, at approximately the same stage*  
28 *of pregnancy and weight as Laci at her disappearance, fitting into the bottom of Peterson's boat.*

<sup>9</sup> *Through an engineer for the company that manufactured the boat, the prosecution introduced stability tests the*  
*boat model underwent to obtain certification before it was sold.*

1 burglary had any connection to Laci's disappearance. It also presented evidence that a stranger  
2 had gone to several houses on December 23 asking for money and, one neighbor thought,  
3 casing houses for burglaries, and so might have had something to do with her disappearance.  
4 Testimony was presented that the same neighbor, walking with a police officer on Christmas  
5 Day to look for the stranger, had seen a pair of sandals lying in the road 150 feet from the  
6 Petersons' home; the neighbor wondered at the time if they might have any connection to Laci's  
7 disappearance, but the officer just left them there. To support the possibility of a third party's  
8 involvement, the defense challenged the prosecution's theory that Conner died December 23 or  
9 24, presenting its own expert who testified based on ultrasounds and other evidence that Conner  
10 lived until after Christmas.

11 The defense also sought to challenge other aspects of the prosecution's case. To rebut  
12 the dog-trailing evidence, the defense called Ronald Seitz, a second dog handler who also had  
13 his dog try to find Laci's scent at the Berkeley Marina on December 28. The dog, T.J., was given  
14 Laci's slipper as a scent object, but discovered no scent trail. To rebut the inference that  
15 Peterson had a financial incentive to kill Laci, the defense presented a financial expert who  
16 testified that TradeCorp U.S.A. and the Petersons were both reasonably financially healthy. To  
17 portray the prosecution's theory as physically impossible, the defense also sought to introduce  
18 video of a demonstration with a weighted 150-pound dummy in a boat on the bay in which a  
19 defense firm employee, trying to dump the dummy out, sank the boat. As will be discussed  
20 below, the trial court excluded the video.

21 The defense offered explanations for the circumstances of Peterson's behavior in  
22 April. His use of his mother's name to purchase a car was at her suggestion, to avoid having it  
23 impounded. He had large amounts of cash because she gave it to him to reimburse him for  
24 money erroneously withdrawn from his bank account rather than hers. Finally, he had his  
25 brother's driver's license because the club where he was going to golf that day gave discounts  
26 for local residents such as his brother.

### 27 3. Guilt Phase Verdict

28 The jury found Peterson guilty of murder in the first degree for killing Laci and

1 *murder in the second degree for killing Conner. (See cal, 189.) It found true the sole charged*  
2 *special circumstance, for multiple murder. (See id., § 190.2, subd. (a)(3).)*

3  
4 **PEOPLE’S RESPONSES**  
5 **TO THE FACTS ALLEGED BY PETITIONER THAT PETITIONER WAS DEPRIVED**  
6 **OF HIS FIFTH, SIXTH AND EIGHTH AMENDMENT RIGHTS TO A FAIR AND**  
7 **IMPARTIAL JURY, AND A RELIABLE DETERMINATION OF PENALTY BY A**  
8 **SEATED JUROR’S CONCEALMENT OF BIAS DURING VOIR DIRE.**

9 The People will recount Petitioner’s 41 alleged facts as to Claim One (Petition, pp. 96-  
10 108) and will provide their response to the alleged fact in bold directly after each alleged fact or  
11 its subpart.

12 1. The facts and allegations set forth in all other claims in this petition are incorporated by  
13 reference as if fully set forth herein.

14 **The People deny this allegation. The Order to Show Cause requires resolution of**  
15 **only Claim I. The facts and allegations of the other claims are irrelevant. “A court issues**  
16 **an order to show cause in a habeas corpus matter only when the petitioner has stated a**  
17 **prima facie case for relief on one or more claims. The order, and the new cause thereby**  
18 **created, is limited to that specific claim or claims, and the petitioner bears the burden of**  
19 **establishing the invalidity of the underlying judgment. (See *People v. Duvall* (1995) 9**  
20 **Cal.4th 464, 474, 37 Cal.Rptr.2d 259, 886 P.2d 1252; *People v. Romero* (1994) 8 Cal.4th**  
21 **728, 737-740, 35 Cal.Rptr.2d 270, 883 P.2d 388.)” (*People v. Superior Court (Pearson)***  
22 **(2010) 48 Cal.4th 564, 572.) Accordingly, Petitioner’s claim is now limited to whether**  
23 **Juror No. 7 committed misconduct.**

24 2. “[O]ne accused of a crime has a constitutional right to a trial by impartial jurors. (U.S.  
25 Const., 6th and 14th Amends.; Cal. Const., art. I, § 16 [citations].) The right to unbiased and  
26 unprejudiced jurors is an inseparable and inalienable part of the right to trial by jury guaranteed  
27 by the Constitution.” (*In re Hitchings* (1993) 6 Cal.4th 97, 110-112.)

28 **The People deny this allegation, since there are no facts alleged. (See Petition, p.**

1 **96-97.) However, Petitioner’s statements are references to law cited by *In re Hitchings***  
2 **(1993) 6 Cal.4th 97, at page 110. The citation used by Petitioner to pages 110-112 of *In re***  
3 ***Hitchings* must be either meant as legal argument or a discussion of the facts of that case**  
4 **and not a matter that must be admitted or denied.**

5  
6 3. A juror who conceals relevant facts or gives false answers during the voir dire examination  
7 thus undermines the jury selection process, impairing the defendant’s ability to exercise for-  
8 cause and peremptory challenges. Such a juror commits misconduct. (*Ibid.*)

9 **The People deny this point, since there are no facts alleged. As with the prior**  
10 **statement, Petitioner has not alleged facts, but merely cites to the same law. If the court**  
11 **were to treat this as a factual allegation, the People deny that Juror No. 7 concealed or**  
12 **gave false answers during voir dire examination nor did she commit misconduct.**

13  
14 4. Prior to voir dire, the prospective jurors in this case filled out a questionnaire. (See Clerk’s  
15 Transcript, Main Juror Questionnaires [an unsealed volume containing a copy of the jury  
16 questionnaires filled out by the 12 jurors picked for the jury and the six alternates].) (Footnote  
17 23: The questionnaires do not bear the names of the jurors; rather they are identified by juror  
18 number. Seated Jurors were identified by numbers 1 through 12, alternates by numbers 1  
19 through 6. (E.g., “Juror # 1,” “Juror # 7,” and “Alternate Juror # 2.) (See Clerk’s Transcript,  
20 Main Juror Questionnaires, at p. 1.)

21 **The People admit that prior to voir dire prospective jurors filled out the**  
22 **questionnaire; the People also contend this was done without the aid of any person present**  
23 **to answer clarifying questions the jurors might have had to any unclear portions of the**  
24 **questionnaire at the time the form was completed. The People admit that the**  
25 **questionnaires bear the assigned juror number instead of the individual juror’s name. The**  
26 **People do not dispute that jurors were identified by number, rather than by name, but add**  
27 **that alternate jurors were seated during the trial resulting in some jurors being identified**  
28 **by the same number (during different time periods) which also resulted in the court using**

1 **additional identifying information to differentiate the jurors.**

2  
3 5. The questionnaires asked jurors to describe their experience with the legal system. The  
4 following questions were relevant to this inquiry:

5 54a. Have you ever been involved in a lawsuit (other than divorce proceedings)?

6 \_\_\_ Yes \_\_\_ No

7 54b. If yes, were you: \_\_\_ The plaintiff \_\_\_ The defendant \_\_\_ Both

8 72. Have you ever participated in a trial as a party, witness or interested  
9 observer? \_\_\_ Yes \_\_\_ No.

10 If yes, please explain: \_\_\_\_\_

11 74. Have you, or any member of your family, or close friends, ever been the  
12 VICTIM of a crime or a WITNESS to any crime?

13 If yes, please explain: \_\_\_\_\_

14 **The People admit the questionnaires asked jurors to describe their experience with**  
15 **the legal system. The People also admit that questions 54a, 54b, 72 and 74 may have been**  
16 **relevant to this inquiry. The People also contend that these were not the only questions on**  
17 **the questionnaire that pertained to experience with the legal system. For example,**  
18 **question 31 asked the jurors if they had received any training in law, law enforcement or**  
19 **criminology.**

20  
21 6. On March 9, 2004, Juror 6756, Richelle [REDACTED]<sup>24</sup> filled out a questionnaire. (CT Main Juror  
22 Questionnaires 300-332, attached hereto as Exh. 44 [Juror Questionnaire for Richelle [REDACTED]] at  
23 HCP-000882-000902.) [Pet.’s Footnote 24: Petitioner identifies Ms. [REDACTED] by name rather than  
24 by juror number in light of the fact that Ms. [REDACTED], along with six other jurors, published a book  
25 in their own names about their experiences as jurors in Mr. Peterson’s case. [See Exh. 8 (“We  
26 the Jury”] 8.) In that book, Ms. [REDACTED] identified herself as Alternate Juror No. 2, who eventually  
27 became Juror No. 7. (Exh. 8 at HCP-000140, HCP-000142, HCP-000163.) According to the  
28 index of the Clerk’s Transcript, Main Juror Questionnaires, the jury questionnaire for Alternate

1 Juror No. 2 appears at pp. 300-322.]

2       **The People admit that Juror 6756 filled out the questionnaire. The People contend**  
3 **they are required by law to refer to the juror as Juror No. 7 or 6756. “Upon the recording**  
4 **of a jury's verdict in a criminal jury proceeding, the court's record of personal juror**  
5 **identifying information of trial jurors, as defined in Section 194, consisting of names,**  
6 **addresses, and telephone numbers, shall be sealed until further order of the court as**  
7 **provided by this section.” (Civ. Proc. Code § 237, subd. (a)(2); emphasis added.) “For**  
8 **purposes of this section, “sealed” or “sealing” means extracting or otherwise removing the**  
9 **personal juror identifying information from the court record.” (Civ. Proc. Code § 237,**  
10 **subd. (a)(3).) The California Supreme Court referred to the juror as Juror No. 7, and the**  
11 **People will continue to do so until further order of the court; whether the juror disclosed**  
12 **his or her name voluntarily under other circumstances is irrelevant.**

13  
14 7. In response to Question 54a, Ms. █████ checked “No.” (*Id.* at HCP-000889.)

15       **The People admit that Juror 6756 checked the “No” box to Question 54a, however,**  
16 **the People contend that this in no way communicated to the court what the juror’s**  
17 **understanding of the question was or her intent in marking it as such. This factual point**  
18 **will be addressed in the People’s Points and Authorities, much as was discussed in *In re***  
19 ***Cowan* (2018) 5 Cal.5th 235.<sup>10</sup> The People contend that Juror No. 7 by checking Question**  
20 **54a as “No” did not answer the question incorrectly in her mind. In her affidavit, Juror**  
21 **No. 7 states that she did not believe that a restraining order was a “lawsuit” as meant in**  
22 **that question. (Exhibit #1 - Juror No. 7’s Declaration, paragraph 22.) She did not lie or**  
23 **otherwise intentionally withhold information. She believed that “lawsuit” referred to a**  
24 **suit for money or property. (Juror No. 7’s Declaration, paragraph 10.) The wording of the**  
25 **question itself adds credibility to her understanding – “Have you ever been involved in a**  
26 **lawsuit (other than divorce proceedings)?” The People further contend that the lack of**

27  
28 <sup>10</sup> Any factual point that has a legal component to it will be addressed in the People’s Points and Authorities. This is done to keep the distinction between facts that must still be proven by competent evidence and case law that is readily available to the court.

1 training in the law (referenced above as an answer to Question No. 31) eliminates any ill-  
2 intent that might be inferred.

3  
4 8. Ms. [REDACTED] left Question 54b blank. (*Id.* at HCP-000890.)

5       **The People admit that Juror 6756 left Question 54b blank; however, the People**  
6 **contend leaving this subpart of Question 54 blank lacks any meaning based on Juror No.**  
7 **7’s understanding of what she thought a “lawsuit” was. (Juror No. 7’s Declaration,**  
8 **paragraph 22.) She did not lie or otherwise intentionally omit information; she believed**  
9 **she had no response.**

10  
11 9. In response to Question 72, Ms. [REDACTED] checked “No.” (*Id.* at HCP-000894.)

12       **The People admit that Juror 6756 checked the box to Question 72 as “No.” It is**  
13 **important to look at the specific wording of the question – “Have you ever participated in**  
14 **a trial as a party, witness or interested observer?” The People contend that Juror No. 7**  
15 **answered the question truthfully as, by legal definitions, at the time of her answers to the**  
16 **questionnaire she had never participated in a trial as a party, witness or interested**  
17 **observer. As stated in her declaration, prior to her jury service in this case, Juror No. 7**  
18 **had never participated in a trial. (Juror No. 7’s Declaration, paragraph 22.)**

19  
20 10. In response to Question 74, Ms. [REDACTED] checked “No.” (*Id.* at HCP-000894.)

21       **The People admit that Juror 6756 checked “No” for Question 74, which asked if she**  
22 **(“you”), “or any member of your family, or close friends, [have] ever been the VICTIM or**  
23 **WITNESS to any crime?” The People contend that Juror No. 7 did not consider herself to**  
24 **have been a victim or witness and she still does not, as she explains in her Declaration.**  
25 **(Juror No. 7’s Declaration, paragraph 22, 24-25.) We further contend that Juror No. 7’s**  
26 **view in this regard was, and remains, objectively reasonable.**

27 ///

28 ///

1 11. These answers were false.

2       **The People deny the truth of Petitioner’s allegations referenced in this subpart of**  
3 **Claim One. These questions were answered according to Juror No. 7’s understanding of**  
4 **them. Her answers were not false but based upon her understanding of the terms used.**  
5 **(Juror No. 7’s Declaration, paragraph 22, 24-25.) Petitioner’s contention is self-serving in**  
6 **that it is based on what he wanted the questions to mean. Uncertainty and ambiguity can**  
7 **lead to incorrect or incomplete answers but for them to be false he must establish an intent**  
8 **to deceive. “Jurors are not automatons. They are imbued with human frailties as well as**  
9 **virtues. If the system is to function at all, we must tolerate a certain amount of**  
10 **imperfection short of actual bias. To demand theoretical perfection from every juror**  
11 **during the course of a trial is unrealistic.” (*People v. Miles* (2020) 9 Cal. 5th 513, 601–02.)**

12  
13 12. Case files obtained from the San Mateo Superior Court disclose that on November 27,  
14 2000, Ms. [REDACTED] filed a lawsuit, entitled “Petition for Injunction Prohibiting Harassment” against  
15 one, M [REDACTED] K [REDACTED]. (Exh. 45 [*Richelle* [REDACTED] v. [REDACTED], San Mateo Superior Court  
16 Case No. 415040, filed Nov. 27, 2000].)

17       **The People deny the truth of Petitioner’s allegation. The petition request was not**  
18 **titled a “lawsuit”. As Petitioner acknowledges, it was entitled “Petition for Injunction**  
19 **Prohibiting Harassment”. (HCP-000905, Ex. 45.) The People do not have enough**  
20 **information to admit or deny that case files obtained from the San Mateo Superior Court**  
21 **disclose that on November 27, 2000 that Juror No. 7 applied for an Injunction; the People**  
22 **may accept the exhibits attached (Ex. 45) and believe that Petitioner may be able to**  
23 **establish the legal foundation for the admission of the exhibit. The People contend that**  
24 **nowhere in the document’s title are there facts that would lead an ordinary citizen to**  
25 **believe the petition was a lawsuit. Juror No. 7 did not believe this proceeding was a**  
26 **lawsuit. (Juror No. 7’s Declaration, paragraph 10-12.)**

27 ///

28 ///

1 13. In this lawsuit, Ms. [REDACTED] made the following allegations:

2 A. “M [REDACTED] is my ex-boyfriend’s ex girlfriend.” (*Id.* at HCP-000905.)

3  
4 **The People deny the truth of Petitioner’s allegation; the petition request was not**  
5 **titled a “lawsuit” and the People do not concede the allegation in the context it is stated.**  
6 **As for Part A., the People contend that the document speaks for itself, assuming that**  
7 **Petitioner can establish the admissibility and content of the document. “A court cannot**  
8 **take judicial notice of hearsay allegations as being true, just because they are part of a**  
9 **court record or file.” (*People v. Sur. Ins. Co.*, (1982) 136 Cal. App. 3d 556, 564; citations**  
10 **omitted.) “As was stated in *Day v. Sharp* (1975) 50 Cal.App.3d 904, 914, (a) trial court**  
11 **may properly take judicial notice of the records of any court of record of any state of the**  
12 **United States. But, as is stated in Jefferson, California Evidence Benchbook (1972)**  
13 **Judicial Notice, section 47.3, at page 840: Caveat: Limitations on judicial notice of court**  
14 **records. What is meant by taking judicial notice of court records? There exists a**  
15 **mistaken notion that this means taking judicial notice of the existence of facts asserted in**  
16 **every document of a court file, . . . a court Cannot take judicial notice of Hearsay**  
17 **allegations as being true, just because they are part of a court record or file. . . .” (*People***  
18 ***v. Rubio*, (1977) 71 Cal. App. 3d 757, 766, disapproved of on other grounds in *People v.***  
19 ***Freeman* (1978) 22 Cal. 3d 434; internal quotations and citations omitted; “Cannot”**  
20 **capitalized in *Day*.)**

21 B. “On Sept.23, 2020 at about 10:30 am M [REDACTED] came to Richelle’s house and  
22 slashed her ex-boyfriends tires yelled and screamed in front of her house. Kicked in her front  
23 door while she (I) was on the phone with police. M [REDACTED] has continued to make threats to  
24 Richelle. On Nov. 11<sup>th</sup> M [REDACTED] called her house. Then on Nov. 12<sup>th</sup>, M [REDACTED] pulled up  
25 behind Richelle in her work van yelling things and pointing at her, ended up following her to  
26 work then drove off. She has told Richelle that she knows where she lives and she will handle  
27 things on the streets when she (M [REDACTED]) sees her.” (*Id.* at HCP-000907.)

28 **For part B., the People contend that the document speaks for itself if Petitioner can**

1 establish the admissibility and content of the document, as specified above. However, this  
2 portion of the document appears to have been crossed out. (Ex. 45, HCP-000907 box 19.)

3  
4 C. “Richelle is about 4-1/2 months pregnant. M [REDACTED] knows this. Still is making  
5 threats towards [sic] her ... She has for the last month put stress on Richelle and my unborn  
6 child and family.” (*Id.* at HCP 000907-000908.)

7 **For part C., the People contend that the document speaks for itself if Petitioner can**  
8 **establish the admissibility and content of the document, as specified above, in addition to**  
9 **establishing that the handwritten quote is from Juror No. 7. This statement is not**  
10 **correctly quoted, but more importantly is a continuation of the handwritten statement that**  
11 **was crossed out as set out above.**

12  
13 D. As a result, “Richelle really fears for her unborn child. ... As a result in all the  
14 stress she has caused Richelle, she started having early contractions...” (*Id.* at HCP-000908.)

15 **For part D., the People contend that the document speaks for itself if Petitioner can**  
16 **establish the admissibility and content of the document, as specified above, in addition to**  
17 **establishing that the handwritten quote is from Juror No. 7. This statement is not**  
18 **correctly quoted, but more importantly is a continuation of the handwritten statement that**  
19 **was crossed out as set out above in part B.**

20  
21 E. “Richelle does not want M [REDACTED] to be able to come anywhere near her child  
22 after it is born. Richelle feels like M [REDACTED] would try to hurt the baby, with all the hate and  
23 anger she has for Richelle.” (*Id.* at HCP-000909.)

24 **For part E., the People contend that the document speaks for itself if Petitioner can**  
25 **establish the admissibility and content of the document, as specified above.**

26  
27 14. Following an evidentiary hearing at which both Juror [REDACTED] and defendant M [REDACTED] were  
28 sworn and testified, the superior court entered an order prohibiting M [REDACTED] K [REDACTED] from

1 harassing both Richelle [REDACTED] and her unborn child for a period of three years. (*Id.* at HCP-  
2 000914.)

3 **The People admit some portions of this statement and deny others. Although**  
4 **Petitioner cites to HCP-000914 there are two separate forms/exhibits relating to the facts**  
5 **he alleges. There is a “Minute Order [HCP-000914] and the “Order After Hearing On**  
6 **Petition For Injunction Prohibiting Harassment (CLETS)” [HCP-000912 to 000913]. Both**  
7 **forms refer simply to “hearing,” not an evidentiary hearing. Further, the testimony at**  
8 **hearings for a restraining order is not subject to the state evidentiary rules. For example,**  
9 **persons testifying routinely engage in the use of hearsay without application of hearsay**  
10 **exceptions. Further, HCP-000914 does not say “three years” as alleged by Petitioner; it is**  
11 **HCP-000912 that states that the order shall expire on midnight on “12/13/03” which is a**  
12 **period of three years after the hearing.**

13  
14 15. Further, as a result of her malicious conduct against Ms. [REDACTED], Ms. K [REDACTED] was convicted of  
15 the crime of vandalism and was sentenced to a week in county jail. (HCP-000916.)

16 **The People deny this statement. Ms. K [REDACTED]’s malicious conduct was against E [REDACTED]**  
17 **W [REDACTED] (slashing his tires) (HCP-000905). The People contend that the very letter cited**  
18 **by Petitioner to make his allegation, if quoted correctly, would prove his allegation to be**  
19 **false. In Ms. K [REDACTED]’s letter to the judge, she wrote that “Finally I got tired of it and went**  
20 **over to her house to obtain my house key from Mr. W [REDACTED] got into a verbal heated**  
21 **argument with him which resulted in my doing some things to Mr. W [REDACTED] vehicle**  
22 **that I am not proud of. As a result of my actions I was punished for vandalism and served**  
23 **one week in the Elmwood facility at the Santa Clara County Jail.” (Ex. 45, page HCP-**  
24 **000916.)**

25  
26 16. During the jury selection process, including her jury questionnaire (Exh. 44), and oral voir  
27 dire, which appears at Exhibit 46 [Voir Dire of Richelle [REDACTED]], Juror [REDACTED] failed to disclose that  
28 she and her boyfriend had been victims.

1           **The People deny this statement. As stated above, Juror No. 7 had not been a victim**  
2 **of M█████'s crime. M█████'s crime was vandalism and Juror No. 7's ex-boyfriend was**  
3 **the victim of the crime. Juror No.7 was never asked during oral voir dire about question**  
4 **No. 74, nor any other similar type of question. Question 74 asked specifically "Have you,**  
5 **or any member of your family, or close friends, ever been the VICTIM or WITNESS to**  
6 **any crime?" As alleged by Petitioner above (in item 13A) Mr. W█████ was an ex-**  
7 **boyfriend, which most people would not immediately consider to be family or a close**  
8 **friend. As stated in her declaration, Juror No. 7 does not believe she has ever been a**  
9 **victim. She believes she answered the question correctly based on what she thought was**  
10 **true at the time. (Juror No. 7's Declaration, paragraph 22, 24 and 25.)**

11  
12 17. During the jury selection process, including in her jury questionnaire and oral voir dire,  
13 Juror █████ failed to disclose that she had filed a lawsuit against M█████ to prevent M█████  
14 from harming Richelle and her unborn child.

15           **The People deny this statement. Juror No. 7 was never asked during oral voir dire**  
16 **about question No. 54a, nor any other similar type of question. As stated above in items 7**  
17 **and 11, the action was not titled "lawsuit". Juror No. 7 filed a "petition". She did not**  
18 **believe that it was a lawsuit. Lawsuits, she believed, were for money or property. (Juror**  
19 **No. 7's Declaration, paragraph 10.) The People's prior contentions on this point are**  
20 **applicable here as well.**

21  
22 18. During the jury selection process, including in her jury questionnaire and oral voir dire,  
23 Juror █████ failed to disclose that she was sworn and testified in court in order to obtain a  
24 restraining order against M█████ to prevent M█████ from harming Richelle and her unborn  
25 child.

26           **The People deny this statement. Juror No. 7 did not "fail" to disclose if she had**  
27 **been sworn and testified in court, because that was not what the questions asked.**  
28 **Petitioner merges the concepts of the different questions contained in the questionnaire**

1 into concepts that were not specifically asked. The proceeding for the restraining order  
2 was a hearing, not a trial. (See Code of Civil Proc., § 527.6.) Juror No. 7 did not testify at  
3 a trial, and she did not view herself as a victim.

4  
5 19. Juror [REDACTED] wanted to be on Petitioner’s jury. She declined to be excused from serving  
6 despite enormous financial hardship it would cause her. When the court began voir dire, it  
7 asked Ms. [REDACTED] how long her employer would pay her while she was on jury duty.

8 **The People deny this statement. The transcript of the oral voir dire refutes this**  
9 **assertion. During the exchange between Juror No. 7 and the trial judge, Juror No. 7 was**  
10 **being excused from service due to a hardship. (RT 4599 marked as HCP-000924.) Juror**  
11 **No. 7 accepted the court’s finding stating, “Thank You.” (*Ibid.*) It was Mr. Geragos who**  
12 **wanted Juror No. 7 to be on Petitioner’s jury asking the court to further examine her**  
13 **hardship request. (HCP-000924-000925.) Juror No. 7 told the court she would only be**  
14 **paid for two weeks. Mr. Geragos said, “Yeah, but we’ve got a couple of others who have**  
15 **said the same thing.” (HCP-000925, lines 6-7.) The People deny that at the time of the**  
16 **oral voir dire Juror No. 7 was facing enormous financial hardship, if she was selected to be**  
17 **on the jury. Juror No. 7 was asked about her hardship by the court and stated her**  
18 **significant other would “carry the load.” (HCP-000935.) When Mr. Geragos asked if her**  
19 **significant other would “shoulder [the load],” Juror No. 7 confirmed that he would.**  
20 **(HCP-000952.) The People agree that Juror No. 7 was asked by the judge how long she**  
21 **would be paid by her employer.**

22  
23 20. The extremely lengthy trial imposed a financial hardship on Ms. [REDACTED]. During the trial she  
24 was forced to borrow money from a fellow juror, who loaned her \$1000. (Exh. 8 at HCP-  
25 000244.)

26 **The People deny this statement as it relates to Juror No.7 at the time of jury**  
27 **selection. Later circumstances are irrelevant to the question before this court. If the court**  
28 **wishes to explore this content, then based on Petitioner’s Exh. 8, where this assertion**

1 comes from, the court will find immediately after that allegation, in the very next  
2 paragraph of Petitioner’s document, “The credit union agreed to pay her salary and  
3 medical benefits for the duration of the trial.” (HCP-000244, third paragraph up from the  
4 bottom.) Furthermore, the court during voir dire had told Juror No. 7 that he could not let  
5 her go, if something developed saying, “Gee, Judge, I need the money. You’re here for the  
6 duration; do you understand that.” (HCP-000925.) Petitioner has failed to provide any  
7 evidence that Juror No. 7 was suffering a financial hardship.

8  
9 21. The juror who loaned Ms. [REDACTED] the \$1000 made a gift of it to her and told her that she did  
10 not have to repay it. (*Ibid.*)

11 **The People deny this statement as it relates to Juror No.7 at the time of jury**  
12 **selection. It is not relevant, and the juror said, “If you want to pay me back someday**  
13 **that’s fine but I’m not asking for it.” (HCP-000245.)**

14  
15 22. Petitioner alleges that Ms. [REDACTED] wanted to sit in judgment of Mr. Peterson, in part to punish  
16 him for a crime of harming his unborn child – a crime that she personally experienced when  
17 M [REDACTED] K [REDACTED] threatened Richelle’s life and the life of Richelle’s unborn child.

18 **The People deny this statement. The two situations are not even remotely similar.**  
19 **Juror No. 7 denies this contention.**

20  
21 23. For this reason, Juror [REDACTED] was actually biased against Petitioner.

22 **The People deny this statement. Juror No. 7 denies that she had or has ever had**  
23 **any bias against Petitioner. (Juror No. 7’s Declaration, paragraph 31.)**

24  
25 24. Juror [REDACTED]’s bias, based on her own victimization as a woman whose unborn child was  
26 threatened by another, was confirmed during deliberations. Ten jurors voted to convict Mr.  
27 Peterson of second degree murder of the unborn child. Juror [REDACTED] was a holdout juror, who  
28 strenuously argued that the killing of the unborn child was first degree murder. (Exh. 8 at HCP-

1 000238.) During deliberations, Juror █████ passionately, and personally, argued to her fellow-  
2 jurors, “How can you not kill the baby?”, █████ said, pointing to her stomach.” (*Ibid.*) As the  
3 jurors recounted the deliberations, “The issue of fetus versus a living child also came into play  
4 for some jurors, but not for Richelle █████. ‘That was no fetus, that was a child,’ █████ said.  
5 ‘Everyone heard I referred to him as ‘Little Man.’ If he could have been born, he would have  
6 survived. It’s unfair. He didn’t give that baby a chance.’” (*Ibid.*)

7 **The People deny these statements and subparts. The allegation that Juror No. 7 had**  
8 **a bias, based on her own victimization as a woman whose unborn child was threatened by**  
9 **another, was confirmed during deliberations as untrue and not supported by any**  
10 **declarations of the other jurors. (The declaration of Juror No. 6 at page HCP-000987 does**  
11 **not support this allegation.) The remaining parts of this allegation relate to jury**  
12 **deliberations and according to Evidence Code section 1150(a) such evidence is not**  
13 **admissible to show the effect of statements or events on the mental processes of a juror**  
14 **when inquiring into the validity of a verdict. If the court were to find that such evidence is**  
15 **not barred, the People contend the allegations are still false. First this court may take**  
16 **notice that the jury returned a verdict of guilty of second-degree murder of Conner**  
17 **meaning that all 12 jurors voted to convict, not 10 as stated. The fact that a juror argues**  
18 **during deliberation in support of a position does not demonstrate bias, actual or otherwise.**  
19 **In fact, Juror No. 7 was not the only juror who argued in favor first degree murder of**  
20 **Conner. Juror No. 4 argued, “[Conner] was a living, breathing entity.” (HCP-000238.)**  
21 **Juror No. 4 asserted the murders were more directed at Conner than at Laci. (*Ibid.*) And**  
22 **according to Petitioner’s proffered exhibit, Juror No. 4 was the “last one” to hold out for a**  
23 **first degree finding before he “relented” and voted with the other jurors. (HCP-000238.)**

24  
25 25. Following petitioner’s conviction and death sentence, Ms. █████ took the extraordinary step  
26 of beginning correspondence with petitioner. Between 2005 and 2007, Ms. █████ sent petitioner  
27 at least 28 letters.

28 **The People cannot determine the accuracy of this allegation. Factually, it is**

1 irrelevant. However, in context, according to Petitioner’s proffered document it was Juror  
2 No. 7’s therapist who suggested that her client tell Petitioner about her life, because she  
3 had had two breakdowns since the end of trial. (HCP-000264.)

4  
5 26. In letters to petitioner, Ms. [REDACTED] disclosed an obsessive interest in the death of Petitioner’s  
6 unborn child.

7 **The People deny this allegation. Assuming Petitioner can establish a legal**  
8 **foundation for the admission of the letters, Juror No. 7’s letters did not show an obsessive**  
9 **interest. Juror No. 7’s letters covered a range of topics and her concern for Laci and**  
10 **Laci’s family as well as for Conner is apparent throughout the letters. (E.g. HCP-000967;**  
11 **HCP-000972.)** The People’s full argument as to the letters sent to Petitioner is in Section V,  
12 *infra*.

13  
14 27. In one letter, for example, Ms. [REDACTED] stated:

15 “My heart aches for your son. Why couldn’t he have the same chances I  
16 [sic] life as you were given? You should have been dreaming of your son being  
17 the best at whatever he did in life, not planning a way to get rid of him! Now,  
18 you will never know the feeling and joy of being a father. To be able to  
19 experience the feeling inside when a father or mother witness their child’s first  
20 steps, the sound of their laugh, the excitement in their eyes when their  
21 Mommy/Daddy walk in from being at work all day, the pain you feel in your  
22 heart when you child is hurt, whether physically or emotionally, etc ..... May  
23 not sound like much to you as you sit in there standing by your selfish lies ....  
24 But as a parent myself, these feeling are much more intense than the feeling you  
25 get for any man/woman you might ever meet in life and fall in love or lust with.  
26 Those feelings can’t even match the passion and unconditional love a parent  
27 feels for their child. And to know no matter what you do in life, your child will  
28 always have the same kind of love and loyalty right back. You, Scott, messed  
that up for yourself, and to me, that is very sad and unfortunate. You really have  
no idea. You never will!”

24 **The People deny this allegation. This allegation is also irrelevant as to whether**  
25 **Juror No. 7 was biased before trial. Assuming Petitioner can establish a legal foundation**  
26 **for the admission of the letters, the letters were written to Petitioner after Juror No. 7 had**  
27 **heard the evidence in the case, and Petitioner was convicted and sentenced. Further, the**  
28 **cited passage focuses on the loss to Petitioner of the joys of being a parent, not an**

1 “obsessive interest in the death of [Conner].”

2  
3 28. In letters that followed, Juror [REDACTED] repeatedly described her intense, emotional feelings  
4 about petitioner’s deceased child. In one letter, she told petitioner,

5 “It’s not easy raising 4 boys on your own!! It’s so much fun and could be better!!  
6 [¶] You would have loved being a Dad, Scott! I wish you just would have tried.  
7 Your kids would never known [sic] what it’s like to struggle. You & Laci would  
8 have been wonderful parents. We can’t turn back time, what’s done is all ready  
9 [sic] done but you would have loved it!”

10 (*Id.* at HCP-000964-000965.)

11 **The People deny this allegation. This allegation is also irrelevant as to whether**  
12 **Juror No. 7 was biased before trial. Assuming Petitioner can establish a legal foundation**  
13 **for the admission of the letters, all of letters were written to Petitioner after Juror No. 7**  
14 **had heard the evidence in the case. The quoted passage does not discuss the deceased**  
15 **child, but the loss of the joy of parenthood to Petitioner. Many of the jurors were affected**  
16 **by this case. One former juror, Juror No. 9, corresponded with the court to inquire about**  
17 **counseling services and the court replied, “The court does not offer these services.” (HCP-**  
18 **000262.) Juror No. 9 said she thinks about the case every day. (HCP-000263.) Post-trial**  
19 **events do not show pre-trial bias.**

20 29. In another letter, Juror [REDACTED] wrote, “I just pray god has givin [sic] Laci arms to hold her  
21 presous [sic] baby.” (*Id.* at HCP-000965.) And “I hope Laci & Conner will be able to hold  
22 each other on the 23<sup>rd</sup>.” (*Id.* at HCP-000964.)

23 **The People deny this allegation. This allegation is also irrelevant as to whether**  
24 **Juror No. 7 was biased before trial. Assuming Petitioner can establish a legal foundation**  
25 **for the admission of the letters, Juror No. 7 is simply echoing Laci’s mother’s testimony at**  
26 **the penalty phase. (Petrn.’s Exh. 8. HCP-000249 to HCP-000250.) Juror No. 7 was not the**  
27 **only juror impacted by the trial evidence. Juror No. 4 said he still thinks about the**  
28 **autopsy photos of Laci and Conner, which brought him a flashback from his military**  
**service of a young brother marine’s body shattered during a grenade attack. Juror No. 4**

1 also said, “I can’t look at the bay without being reminded that part of Laci is still out  
2 there.” (HCP-000271.) Juror No. 8 still has nightmares. (*Ibid.*) Juror No. 8 also says “the  
3 San Francisco Bay used to represent serenity. But now it beckons with the hollow cries of  
4 Laci and Conner Peterson. All I can think of is Laci’s head still on the floor San Francisco  
5 Bay looking up to God and asking why.” (HCP-000265.) Juror No. 9 said, “I haven’t  
6 celebrated one Christmas since then. I just can’t get into it.” (HCP-000267.) Also, she  
7 can no longer walk along the bay which is near where she works without thinking about  
8 where they found the bodies. *We the Jury* also stated as to Juror No. 9 that, “[s]he doesn’t  
9 have flashbacks from seeing the gruesome autopsy photos, but they had one culinary  
10 impact, she no longer eats ribs.” (HCP-000267.) “It just bothers me now,” Juror No. 9  
11 said. “When they talked about the dogs chewing on Laci, that was disturbing. Seeing the  
12 baby’s face really got to me. Every once in a while I see the little baby. It had a little face.  
13 It wasn’t just a fetus, it was a person.” (*Ibid.*) The letter was written after Juror No. 7  
14 had seen the evidence presented at trial and Petitioner was convicted and sentenced. As  
15 such, it shows no bias before the trial.

16  
17 30. In another letter, Juror █████ described learning that her son had been near a drive-by  
18 shooting in East Palo Alto, and how upset she was. She then wrote, “Damit [sic] Scott that was  
19 your son! Your first born. If you never wanted children you should have married someone with  
20 the same wants as you.” (*Id.* at HCP-000968.) Then she added, “The fear that runs over a  
21 parent when they can’t help [their child] is the worst fear ever. You just remember that.” (*Ibid.*)

22 **The People deny this allegation. This allegation is also irrelevant as to whether**  
23 **Juror No. 7 was biased before trial. Assuming Petitioner can establish a legal foundation**  
24 **for the admission of the letters, the letter was written after Juror No. 7 had seen the**  
25 **evidence presented at trial.**

26  
27 31. In another letter, Juror █████ wrote about her inability to provide for her children. She then  
28 told petitioner, “Conner would have never had to go through this. He would have had a

1 wonderful life.” (*Id.* at HCP-000973.) She then told Petitioner, “Laci and Conner have been on  
2 my mind so much these last few days. I think of them daily, but these past few days have been  
3 hard. I keep praying for them and you Scott.” (*Id.* at HCP-000976.)

4 **The People deny this allegation. This allegation is also irrelevant as to whether**  
5 **Juror No. 7 was biased before trial. Assuming Petitioner can establish a legal foundation**  
6 **for the admission of the letters, it simply demonstrates Juror No. 7’s compassion for all**  
7 **parties, the victims and Petitioner.**

8  
9 32. In another letter, Juror [REDACTED] wrote, “You know what, Scott, I see your son. I can visualize  
10 him. Dark hair, dark skin, beautiful little boy. I can see him. I see Laci’s big smile shining  
11 down on him.” (*Id.* at HCP-000974.)

12 **The People deny this allegation. This allegation is also not relevant to whether**  
13 **Juror No. 7 was biased before trial. The letter was written after Juror No. 7 saw the**  
14 **evidence presented at trial and represents the same kind of ruminations as the other**  
15 **jurors described in the People’s Response to paragraph 29 above.**

16  
17 33. Juror [REDACTED] concealed on voir dire a subject that was extremely important and emotionally  
18 critical to her: that she had personally experienced the threat of losing a child through the  
19 intentional, harassing conduct of her ex-boyfriend’s girlfriend.

20 **The People deny this allegation. Juror No. 7 did not conceal information. She**  
21 **answered the question as she interpreted it. Juror No. 7 had no bias against Petitioner**  
22 **before the start of the trial; after hearing all of the evidence she reached a reasonable**  
23 **decision regarding the guilt of Petitioner along with her co-jurors. The allegation that**  
24 **harassment by an ex-girlfriend of her ex-boyfriend is the same as being murdered by her**  
25 **husband is a stretch. Juror No.7 did not think the questions applied to her and did not**  
26 **consider any of the circumstance of her past to fall within the questions asked. (Juror No.**  
27 **7’s Declaration.)**

1 34. Juror ██████'s experience of a juror deeply concerned about losing an unborn child through  
2 intentional misconduct of another was material to the issue in petitioner's case, which similarly  
3 involved the death of an unborn child through misconduct of another.

4 **The People deny this allegation and cannot determine how this differs from**  
5 **Petitioner's paragraph number 33, above.**

6  
7 35. Petitioner's trial counsel was extremely concerned that Petitioner's right to a fair and  
8 impartial jury required him "to ferret out and challenge for cause jurors whom [he] believed had  
9 prejudged the case and wanted to get on the jury in order to punish Mr. Peterson for the alleged  
10 crimes of killing his wife and unborn child." (Exh. 49 [Supp. Declaration of Mark Geragos] at  
11 HCP-000981.)

12 **The People cannot confirm or deny counsel's thoughts at trial. Even Mr. Geragos**  
13 **stated in his declaration that he did not recall Juror No. 7's answers in the questionnaire**  
14 **and that he had to review it recently.**

15  
16 36. During jury selection, Mr. Geragos reviewed Ms. ██████'s jury questionnaire. (*Ibid.*) He  
17 recalled that Ms. ██████ stated on her questionnaire that she had never been a victim of a crime,  
18 had never been involved in a lawsuit, and had never participated in a trial as a party or witness.  
19 (*Ibid.*)

20 **The People deny this assertion, as his declaration, depending on its admissibility,**  
21 **speaks for itself. Mr. Geragos stated he only recalled Juror No. 7's answers in the**  
22 **questionnaire after a recent review of it. Further, Juror No. 7 has never considered**  
23 **herself the victim of a crime. (Juror No. 7's Declaration, paragraph 22.) Neither did**  
24 **Juror No. 7 believe that she had been involved in a lawsuit. She believed the term**  
25 **"lawsuit" referred to a suit for money or property. (Id. at paragraph 10.) Finally, Juror**  
26 **No. 7 had never participated in a trial as a party or witness. The taking of testimony for**  
27 **the purpose of deciding the issuance of a restraining order is not the equivalent of a trial.**  
28 **Juror No. 7 never participated as a witness in a prosecution.**

1 37. Habeas counsel has provided Mr. Geragos with the case file of *Richelle* [REDACTED] v. *M* [REDACTED]  
2 *K* [REDACTED], appearing at Exhibit 45. After reviewing that file, Mr. Geragos unequivocally states:

3 Had I known about Ms. [REDACTED]'s lawsuit, and that she had been the victim of  
4 threats of violence against her life and the life of her unborn child from  
5 malicious acts of another, I would absolutely have challenged her for cause.  
6 The state was alleging that Mr. Peterson had harmed his unborn child. There is  
7 no way in the world I would have wanted a juror to sit in judgment of Mr.  
8 Peterson, when that juror had been a victim of the very crime for which Mr.  
9 Peterson was on trial.

10 (Exh. 49, at HCP-000982.)

11 **The People deny this assertion, as Mr. Geragos's declaration, depending on its**  
12 **admissibility, speaks for itself. Mr. Geragos opines based upon an assumption of the facts**  
13 **that have not been established. Juror No. 7 has never considered herself the victim of a**  
14 **crime. (Juror No. 7's Declaration, paragraph 22.) And, clearly, she had never been the**  
15 **victim of murder.**

16 38. Mr. Geragos further states that he believes the challenge for cause would have been  
17 sustained. If it had not "[he] would have exercised a peremptory challenge to remove Ms. [REDACTED]  
18 from the jury."

19 **The People deny this assertion, as they are unable to confirm or deny Mr.**  
20 **Geragos's thought processes. The defense left a juror on who had been married to a**  
21 **murderer who, while in prison, had been murdered. (HCP-000161.)**

22 39. Juror [REDACTED]'s suppression of this material information constituted juror misconduct.

23 **The People deny this assertion. Juror No. 7 suppressed no material information.**  
24 **(Juror No. 7's Declaration, paragraph 22.)**

25 40. Such misconduct raises a presumption of prejudice, (*In re Hamilton* (1999) 20 Cal.4th 273,  
26 295; *People v. Nesler* (1997) 16 Cal.4th 561, 578), which places the burden on the State to show  
27 that there was no substantial likelihood that the juror was not actually biased against the  
28 defendant.

1           **The People deny this allegation. This is not a fact but a statement of law.**

2 **Petitioner contends that his 41 points are alleged facts, *but many on their face are not facts***  
3 ***but self-serving inferences.* The inferences still do not support the facts as he alleges them**  
4 **to be. In any event, *In re Hamilton* (1999) 20 Cal.4th 273, specifically holds,**

5           **Still, whether an individual verdict must be overturned for jury**  
6 **misconduct or irregularity is resolved by reference to the substantial**  
7 **likelihood test, an objective standard. Any presumption of prejudice is**  
8 **rebutted, and the verdict will not be disturbed, if the entire record in the**  
9 **particular case, including the nature of the misconduct or other event, and**  
10 **the surrounding circumstances, indicates there is no reasonable probability**  
11 **of prejudice, i.e., no substantial likelihood that one or more jurors were**  
12 **actually biased against the defendant.**

13 **(*Id.* at 296; internal citations and quotations omitted.) This issue is discussed further in**  
14 **Respondent’s Memorandum of Points and Authorities, *post*.**

15 41. In view of the surrounding circumstances of Juror [REDACTED]’s suppression, and her conduct  
16 thereafter, the State cannot carry this burden.

17           **The People deny this allegation. Juror No. 7 answered the questions according to**  
18 **her understanding of them, which is objectively reasonable. She did not lie. She**  
19 **suppressed nothing. Her conduct after the trial is irrelevant, as it occurred after she had**  
20 **heard the evidence presented at trial.**

21           **The People contend that Petitioner has been lawfully convicted, as evidenced by the**  
22 **opinion of the California Supreme Court. (The People request this court to take Judicial**  
23 **Notice of the opinion in *People v. Scott Peterson*, Case No. S132449 pursuant to Evidence**  
24 **Code §452(d) and §453.) The People further contend Petitioner’s confinement is legal in**  
25 **that he has failed to demonstrate by the appropriate burden of proof that prejudicial juror**  
26 **misconduct occurred.**

27 ///

28 ///

///

1 **INTRODUCTION**

2 The only question for this court is whether Juror No. 7 committed prejudicial  
3 misconduct by not disclosing her prior involvement with other legal proceedings, including but  
4 not limited to being the victim of a crime, as alleged in Claim 1.

5 Petitioner has attempted to characterize an average person in the community who was  
6 randomly contacted for jury service as a person who was out to get him. He believes this one  
7 person who responded to a notice for jury service did so solely to persecute him.

8 However, this prospective juror was like all the others who responded to the notice for  
9 jury service. She was an average person doing her civic duty. She completed a 20-page  
10 questionnaire of 116 questions, and she did so to the best of her ability, having a high school  
11 education. (Juror No. 7's Declaration, paragraph 3.) That the breadth of her vocabulary is  
12 different from a person who has been to college, three years of law school, passed the bar  
13 examination and spent their career in the legal field, should surprise no one. Who could be  
14 surprised that a lay person might have a different notion of what a "lawsuit" is? Who could be  
15 surprised that an ordinary citizen does not consider a hearing to be a trial? Who could be  
16 surprised that an ordinary citizen does not remember the "labels" given to participants of events  
17 from years earlier? The court forms provided by Petitioner ironically show the juror's  
18 uncertainty as to what her role was. (See HCP-000903.)

19 No person was present when any of the jurors answered the long questionnaires;  
20 therefore, none of them could ask anyone for assistance with the meanings of the words and  
21 questions. The prospective juror in question returned to the courthouse several weeks after the  
22 completion of the questionnaire, and was about to walk out of the courtroom after being  
23 released by the judge because her employer would only pay her for two weeks of jury service,  
24 when Mr. Geragos asked, "Did you ask her if it was a hardship?" (HCP-000924.) The judge  
25 told her to sit back down. (*Id.*) She turned around and went back to the seat. (Juror No. 7's  
26 Declaration, paragraph 14.) Petitioner casts aspersions at Juror No. 7 for being willing to do her  
27 civic duty (implying that is proof of her bias), but notably Mr. Geragos was the one who pointed  
28 out that "we've got a couple of others who have said the same thing." (HCP-000925.)

1 During voir dire, Mr. Geragos could have asked the prospective juror anything he  
2 wished about her questionnaire. But Mr. Geragos focused on her fairness:

3 Q. Okay. The -- do you have -- as you sit here -- I asked another one of the jurors this  
4 morning, and she actually quantified it, she said that she believed kind of -- that she had a  
5 suspicion that he was guilty as he sits here. Do you have that, do you think? Do you walk in  
6 here with a suspicion that he's guilty?

7 A. A suspicion that he's guilty?

8 Q. Yeah.

9 A. No, because I don't know, I wasn't there.

10 Q. Okay. Do you think you can keep an open mind when -- are you the kind of person  
11 -- you gave a nice explanation to the prosecutor about prejudging and being prejudged.

12 Do you think that because of that experience that your -- whatever it is that people  
13 prejudice you on, that you can -- you've got a unique ability to not prejudice people? Or at least  
14 fight against the urge?

15 A. I wouldn't say unique, but I would say I try my hardest to really look at things from  
16 all areas. I mean, like I said to the prosecutor, I'm not perfect but I really -- I really try. (HCP-  
17 000951, RT page 4626, lines 4-24.)

18 Try as he might, Petitioner is unsuccessful in painting a picture of a sophisticated,  
19 stealth-like citizen with an axe to grind against him. Instead, Juror No. 7 was not any different  
20 from any of the other prospective jurors who appeared for jury service and answered the  
21 questions on the questionnaire as they each understood them. As the Supreme Court has said,  
22 jurors are not automatons and mistakes are to be accepted. (*In re Carpenter* (1995) 9 Cal.4th  
23 634, 654-655.) Simple mistakes do not establish bias and Petitioner bears the burden of  
24 showing more. To do so, he has searched post-jury selection conduct but has been unable to find  
25 any admissible evidence that Juror No. 7 harbored a bias against him, even after 17 years of  
26 digging into her past and present. Unlike with most cases, Petitioner had an extraordinary  
27 opportunity in this case to read a book about the inner-workings of his trial jury. Eight of the  
28 jurors published a book about their collective experience, including Juror No. 7. Assuming the

1 contents are considered competent evidence in the first instance, nowhere in the book does an  
2 example of bias appear. Juror No. 7's conduct since the trial demonstrates nothing other than  
3 what she saw and heard as evidence that was presented at trial. Petitioner had the opportunity  
4 to delve into his allegations of bias with Juror No. 7 because she corresponded with Petitioner.  
5 However, her letters, if properly authenticated, never admitted to bias and Petitioner is left to  
6 allege that she obsessively focused on Petitioner's child. There was no obsession, rather, Juror  
7 No. 7's letters show compassion and concern for all of the victims, including Laci and her  
8 family. (See Section V, *infra*.) The same compassion and heartache that many of the former  
9 jurors continue to live with is demonstrated by one juror's comment that she still sees Laci's  
10 head at the bottom of the bay staring up at God and asking "Why?" (HCP-000265.)

### 11 HABEAS CORPUS STANDARDS

12 “ [H]abeas corpus is an extraordinary, limited remedy against a presumptively fair and  
13 valid final judgment’ [citation].” (*In re Reno* (2012) 55 Cal.4th 428, 451, quoting *People v.*  
14 *Gonzalez* (1990) 51 Cal.3d 1179, 1260.) “If a criminal defendant has unsuccessfully tested the  
15 state's evidence at trial and appeal and wishes to mount a further, collateral attack, ‘all  
16 presumptions favor the truth, accuracy, and fairness of the conviction and sentence; *defendant*  
17 thus must undertake the burden of overturning them. Society's interest in the finality of  
18 criminal proceedings so demands, and due process is not thereby offended.” ’ ” (*Id.* at p. 451,  
19 quoting *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

20 The California Supreme Court's issuance of an Order to Show Cause merely “signifies  
21 the court's preliminary determination that Petitioner has pleaded sufficient facts that, if true,  
22 would entitle him to relief.” (*Duvall, supra*, 9 Cal.4th at p. 475.) In response to an Order to  
23 Show Cause, Respondent is required to file a Return alleging facts tending to show Petitioner's  
24 confinement is legal and responding to Petitioner's factual allegations. (*Id.* at p. 483.)

25 “When an order to show cause does issue, it is limited to the claims raised in the petition  
26 and the factual bases for those claims alleged in the petition,” and “directs the respondent to  
27 address only those issues.” (*In re Clark* (1993) 5 Cal.4th 750, 781, fn. 16.) “[T]he return  
28 should also, ‘where appropriate, . . . provide such documentary evidence, affidavits, or other

1 materials as will enable the court to determine which issues are truly disputed.’ ” (*Duvall*,  
2 *supra*, 9 Cal.4th at p. 476, quoting *In re Lewallen* (1979) 23 Cal.3d 274, 278, fn. 2.)

3 Petitioner may then file a Traverse admitting or disputing the factual allegations in the  
4 Return, or stipulate to the Petition serving as a Traverse. (*Duvall, supra*, 9 Cal.4th at pp. 476-  
5 477.) The Traverse, however, cannot expand the scope of the proceeding by introducing  
6 ““additional claims or wholly different factual bases for those claims”” on which the Order to  
7 Show Cause was issued. (*Id.* at p. 478, quoting *In re Clark, supra*, 5 Cal.4th at p. 781, fn. 16.)  
8 In this manner, the factual and legal issues are defined and joined for review. (*Id.* at p. 478.)

9 The court will not order an evidentiary hearing unless it determines there are material  
10 facts in dispute. (*Duvall, supra*, 9 Cal.4th at pp. 478, 480.) An evidentiary hearing is required  
11 only if, after consideration of the pleadings, affidavits, and declarations, “the court finds there is  
12 a reasonable likelihood that Petitioner may be entitled to relief and Petitioner’s entitlement to  
13 relief depends upon the resolution of an issue of fact.” (Cal. Rules of Court, rule 4.574(d).) At  
14 an evidentiary hearing, the burden of proof remains with Petitioner to establish by a  
15 preponderance of the evidence the facts asserted as grounds for relief. (*In re Bacigalupo* (2012)  
16 55 Cal.4th 312, 333; *Duvall, supra*, 9 Cal.4th at p. 483.)

## 17 **MEMORANDUM OF POINTS AND AUTHORITIES**

### 18 **I.**

#### 19 **GOOD FAITH WHEN ANSWERING VOIR DIRE QUESTIONS IS THE MOST** 20 **SIGNIFICANT INDICATOR THAT THERE WAS NO BIAS**

21  
22 Due process means a jury composed of persons capable and willing to decide the case  
23 solely on the evidence before it...” (*Smith v. Phillips* (1982) 455 U.S. 209, 217.) The jury’s  
24 verdict must be based on the evidence presented at trial in order to satisfy the defendant’s due  
25 process rights. (*In re Boyette* (2013) 56 Cal.4th 866, 890.)

26 Voir dire examination serves to protect a defendant’s constitutional rights “by exposing  
27 possible biases, both known and unknown, on the part of the potential jurors.” (*McDonough*  
28 *Power Equipment, Inc. v. Greenwood* (1984) 464 U.S. 548, 554.) Lying about or omitting

1 material facts during voir dire can demonstrate prejudice of the case, and thus, actual bias.  
2 (*People v. Nesler* (1997) 16 Cal.4th 561, 585-586, 588.) However, the California Supreme  
3 Court has held that “good faith when answering voir dire questions is the most significant  
4 indicator that there was no bias” and that “an honest mistake on voir dire cannot disturb a  
5 judgment in the absence of proof that the juror’s wrong or incomplete answer hid the juror’s  
6 actual bias.” (*In re Hamilton* (1999) 20 Cal.4th 273, 300; *People v. Merriman* (2014) 60 Cal.4th  
7 1; *In re Boyette, supra*, 56 Cal.4th at p. 890.) Courts “must be tolerant, as jurors may forget  
8 incidents long buried in their minds, misunderstand a question or bend the truth a bit to avoid  
9 embarrassment.” (*Boyette, supra*, at pp. 880-881.)

10 *In re Hamilton* (1999) 20 Cal.4th 273, specifically holds,

11 Still, whether an individual verdict must be overturned for jury misconduct or  
12 irregularity is resolved by reference to the substantial likelihood test, an  
13 objective standard. Any presumption of prejudice is rebutted, and the verdict  
14 will not be disturbed, if the entire record in the particular case, including the  
15 nature of the misconduct or other event, and the surrounding circumstances,  
16 indicates there is no reasonable probability of prejudice, i.e., no substantial  
17 likelihood that one or more jurors were actually biased against the defendant.

18 (*Id.* at p. 296; internal citations and quotations omitted.)

## 19 II.

### 20 JUROR NO. 7 ANSWERED THE QUESTIONS AT ISSUE IN GOOD FAITH

21 Several of the questions in the questionnaire asked jurors to describe their experience  
22 with the legal system. Juror No. 7’s answers to the following three questions (54, 72 and 74) are  
23 those to which Petitioner takes exception:

24 54a. Have you ever been involved in a lawsuit (other than divorce proceedings)?

25 \_\_\_ Yes \_\_\_ No

26 54b. If yes, were you: \_\_\_ The plaintiff \_\_\_ The defendant \_\_\_ Both

27 72. Have you ever participated in a trial as a party, witness or interested  
28 observer? \_\_\_ Yes \_\_\_ No.

If yes, please explain: \_\_\_\_\_

74. Have you, or any member of your family, or close friends, ever been the  
VICTIM of a crime or a WITNESS to any crime?

1 If yes, please explain: \_\_\_\_\_

2 Juror No. 7 attests in her sworn declaration, “I responded to the juror questionnaire  
3 candidly, truthfully, and to the best of my ability.” (Juror No. 7’s Declaration, No. 5.)

4  
5 **A. Juror No. 7’s Lack of Understanding of the Term “Lawsuit”**

6 Juror No. 7 placed an “X” next to “NO” to question 54a which asked, “Have you ever  
7 been involved in a lawsuit (other than divorce proceedings)?” Juror No. 7 left blank question  
8 54b which asked, “If yes, were you: The plaintiff, the defendant or both? Please explain.”

9 Petitioner argues that Juror No. 7’s answer was false, as a restraining order was issued  
10 against M [REDACTED] K [REDACTED] on December 13, 2000, and Juror No. 7 and her unborn child were the  
11 protected persons. (Petitioner’s Exh. 45, p. HCP-000912.)

12 Juror No. 7 attests in paragraphs 9 through 12 and 16 through 18 of her declaration that,

13 9. Because I had answered no to ‘54a.,’ I left ‘54b.’ blank.

14 10. At the time that I answered these questions—together and right in the  
15 middle of a twenty-page questionnaire—I understood the word “lawsuit” to  
16 mean and refer to a suit for money or property. I did not think that the question  
was a reference to any other appearance in court.

17 11. I am not a lawyer and have no legal education, so my understanding  
of the word “lawsuit” at the time that I filled out the form excluded other types of  
18 court proceedings. I also looked to the language of question “54b.,” which  
referred to a “plaintiff” and “defendant” to confirm my understanding of the  
19 questionnaire.

20 12. I was not asked to clarify this written response by the judge or either  
of the parties or their representatives. No one followed up with me to explain  
21 what the word “lawsuit” meant to me. No one defined the word “lawsuit” to  
include being in court for any reason.

22 16. I answered all the questions that were asked of me by the judge, the  
prosecutors, and the defense attorneys. I clarified my oral responses when I was  
23 asked to do so, an opportunity I was not given when I filled out my written  
questionnaire.

24 17. I do not remember being orally questioned about my answers to  
25 “54a.” and “54b.” on the questionnaire.

26 18. At no time during the selection process did any court case in which I  
was involved cross my mind.

27 (Juror No. 7’s Declaration, paragraphs. 9-12 and 16-18.)

28 Not only laypersons need to be told the definition of a lawsuit, and whether or not one

1 had commenced. The Court of Appeal has had to define it for persons in the legal profession as  
2 well. In *Garcia v. Lacey* (2014) 231 Cal.App.4th 402, the appellate court explained,

3 In the trial courts, civil actions (such as lawsuits for damages or equitable relief)  
4 and special proceedings (such as writ petitions) are commenced when the  
5 plaintiff's complaint or petition is filed with the court. (§§ 411.10 ["A civil action  
6 is commenced by filing a complaint with the court."], 350 [an action is  
7 commenced "when the complaint is filed"], 1109 [except as otherwise provided,  
8 rules governing civil actions apply to special proceedings], 363 [the word "  
9 'action' " as used in title of code on statute of limitations is construed whenever  
10 necessary to include a special proceeding]; see, e.g., *Allen v. Humboldt County  
11 Board of Supervisors* (1963) 220 Cal.App.2d 877, 884-885, [34 Cal.Rptr.  
12 232] [writ of mandate petition was subject to same rules regarding  
13 commencement of civil actions]; *Barnes v. Glide* (1897) 117 Cal. 1, 6, [48 P.  
14 804] [a mandamus proceeding is subject to applicable statute of limitations].)  
15 The same rule of commencement applies with respect to federal court actions.  
16 (Fed. Rules Civ. Proc., rule 3[civil actions are commenced by filing a complaint  
17 with the court].)

18 (*Id.* at p. 411, fn. omitted.) In sum, the definition of a lawsuit is a complex subject. An "action"  
19 is commenced with the filing of a complaint. The forms submitted by Juror No. 7 for a  
20 restraining order were titled, "Petition for Injunction Prohibiting Harassment," (HCP-000905)  
21 "Order to Show Cause," (HCP-000903), "Order After Hearing on Petition for Injunction  
22 Prohibiting Harassment" and "Civil Case Cover Sheet," (HCP-000911). She checked none of  
23 the 39 boxes in No. 1 on the "Civil Case Cover Sheet," that would have indicated "the case type  
24 that best describes this case". She checked only that it was not a class action suit in No. 5; this  
25 is probably because she knew only the type of case that it was not.

26 Further, it is clear that Juror No. 7 was confused as to party designations. This is  
27 demonstrated on the "Order to Show Cause" form upon which Juror No. 7 put M [REDACTED]  
28 K [REDACTED]'s name after "Plaintiff" and then appears to have written her own name, darker, over  
Ms. K [REDACTED]'s name. (Petitioner's Exh. No. 45, p. HCP-000903.) After "Defendant," it can be  
seen that Juror No. 7's first name is written lightly under "M [REDACTED]". (*Ibid.*) In other words,  
she did not know who the plaintiff was or who the defendant was and had to switch their  
positions by writing over them.

In her declaration, Juror No. 7 attests in paragraph 8, "I had never been a plaintiff or  
defendant to my memory, and therefore placed an "X" in the response field to question "54a."  
The Legislature apparently came to understand that "plaintiff" and "defendant" are not the

1 proper terms to apply to parties to a petition for a restraining order, as a “petition” quite  
2 logically involves a “petitioner.” In 2012, section 527.6 of the Code of Civil Procedure, which  
3 governs the procedure for restraining orders, was amended so that the parties were henceforth to  
4 be referred to as “petitioner” and “respondent,” not “plaintiff” and “defendant.”

5 (4) “Petitioner” means the person to be protected by the temporary  
6 restraining order and order after hearing and, if the court grant the petition,  
7 the protected party.

8 (5) “Respondent” means the person against whom the temporary  
9 restraining order and order after hearing are sought and, if the petition is  
10 granted, the restrained person.

11 (Code Civ. Proc., § 527.6, subd. (b)(4)-(5).)

12 Based on the evidence before this court, petitioner has not established that Juror No. 7  
13 believed the “lawsuit” question was applicable to her. It is questionable at best to say that the  
14 question was applicable to her. Her interpretation is objectively reasonable.

15 Assuming the question did apply to her circumstances, Petitioner cannot establish actual  
16 bias. The California Supreme Court has repeatedly found that mere mistakes are insufficient to  
17 overturn a verdict. In the case of *In re Manriquez* (2018) 5 Cal.5th 785, the foreperson, Juror  
18 C.B., neglected to disclose that she had been molested from the age of five until she was 13 or  
19 14 (*id.* at p. 795) when asked the following questions on her questionnaire, “Have you or anyone  
20 close to you been the victim of a crime, reported or unreported?” (*Id.* at p. 793); “Have you or  
21 any relative or friend ever experienced or been present during a violent act, not necessarily a  
22 crime?” (*Id.* at p. 794); “Have you ever seen a crime being committed?” (*Ibid.*); or “Have you  
23 ever been in a situation where you feared being hurt or being killed as a result of violence of any  
24 sort?” (*Ibid.*).

25 After the Supreme Court issued an order to show cause and remanded the case for an  
26 evidentiary hearing, “the referee found that, in her mind, Juror C.B.’s childhood sexual and  
27 physical abuse were not criminal and violent acts, but rather were simply a part of life. As such,  
28 and despite their presumably traumatic nature, he determined, when completing the pretrial

1 juror questionnaire, C.B. did not believe they constituted crimes or acts of violence.” (*Id.* at p.  
2 802.)

3 The Supreme Court first set out the standards to apply and stated:

4 Although juror misconduct raises a presumption of prejudice [citations], we  
5 determine whether an individual verdict must be reversed for jury misconduct  
6 by applying a substantial likelihood test. That is, the ‘presumption of prejudice  
7 is rebutted, and the verdict will not be disturbed, if the entire record in the  
8 particular case, including the nature of the misconduct or other event, and the  
9 surrounding circumstances, indicates there is no reasonable probability of  
10 prejudice, i.e., no substantial likelihood that one or more jurors were actually  
11 biased against the defendant.’ [Citation.] In other words, the test asks not  
12 whether the juror would have been stricken by one of the parties, but whether  
13 the juror’s concealment (or nondisclosure) evidences bias.

14 (*Id.* at pp. 1093-1094, quoting *In re Boyette* (2013) 56 Cal.4th 866, 889-890.) The court then  
15 went on to examine the requisite proof of bias:

16 In addition, there is no evidence in the record before us that Juror C.B. could not  
17 or would not deliberate with her fellow jurors; rather, her undisputed testimony  
18 indicated that she participated in the jury’s deliberations. Nor is there any  
19 evidence that she had prejudged the case or otherwise entered deliberations with  
20 an impermissibly closed mind: Because jurors may form preliminary  
21 assessments about the case, that these assessments are not later swayed by their  
22 fellow jurors’ opinions is not necessarily a form of prejudgment indicative of  
23 bias. (See [*People v.*] *Allen and Johnson*, [(2011)] supra, 53 Cal.4th [60] at pp.  
24 75-76.)

25 Although it was misconduct for Juror C.B. not to answer the pretrial juror  
26 questionnaire accurately, there is no substantial likelihood she was actually  
27 biased against petitioner. Rather, as permitted, C.B. applied her life experiences  
28 when she interpreted petitioner’s mitigating evidence and weighed it against the  
evidence in aggravation, that is, his four convictions of first degree murder, as  
well as evidence of his involvement in three additional killings and raping a  
friend’s babysitter at gunpoint. As such, we reject petitioner’s suggestion that  
C.B. was predisposed to reject the defense mitigation evidence, or was  
otherwise unable to act impartially.

We therefore accept the referee’s findings (except as otherwise indicated) with  
respect to the fourth question because they are supported by substantial  
evidence, and we independently conclude that petitioner has not shown a  
substantial likelihood that Juror C.B. was actually biased against petitioner  
[footnote omitted]. Accordingly, petitioner has not established that he is entitled  
to habeas corpus relief on his claim of prejudicial juror misconduct.

A similarity between a juror’s life experiences and some aspect of the litigation  
may so call into question a juror’s impartiality as to warrant exercising a  
peremptory challenge or otherwise discharging that juror. And because voir dire  
is intended in part to allow the parties to explore the prospective jurors’ possible  
biases, we acknowledge that Juror C.B.’s nondisclosure deprived petitioner of  
the opportunity to do so. Regardless of her misconduct, however, the “ ‘  
“criminal justice system must not be rendered impotent in quest of an ever-  
elusive perfection.... [Jurors] are imbued with human frailties as well as virtues.

1 If the system is to function at all, we must tolerate a certain amount of  
2 imperfection short of actual bias.” ’ ’ (Boyette, supra, 56 Cal.4th at p. 897, 157  
3 Cal.Rptr.3d 163, 301 P.3d 530.) Such is the case here.

4 (In re Manriquez, (2018) 5 Cal.5th 785, 818–819, cert. denied sub nom. Manriquez v. Diaz,  
5 (2019) 139 S. Ct. 2637, 204 L. Ed. 2d 283.)

6 Manriquez is not alone in setting the bar so high. In the case of In re Cowan (2018) 5  
7 Cal.5th 235, the Court considered another death penalty case where a juror failed to disclose a  
8 misdemeanor conviction and probationary term (which the juror was still on during the trial) on  
9 his questionnaire. A referee was appointed and during the evidentiary hearing the following  
10 facts were established:

11 After reviewing the court file and police report regarding his conviction for  
12 public fighting at the Valley Plaza Mall in 1995, the juror recalled that he  
13 fought with the ex-boyfriend of the juror's then-girlfriend; that the fight was  
14 broken up by mall security; that the person he fought was handcuffed and  
15 arrested; that he was not allowed to return to the mall; that he was given a  
16 citation and later went to court; and that he was placed on probation but did not  
17 recall for how long. The juror explained that, to him, being arrested means that  
18 a person is “[c]uffed, detained, taken off in a patrol unit,” “[b]ooked,” “[t]aken  
19 downtown,” “[f]ingerprinted,” and has “[m]ugshots” taken, none of which he  
20 experienced after the mall fight.

21 (In re Cowan (2018) 5 Cal.5th 235, 240.)

22 The Court went on to find:

23 As explained above, the referee's finding that the juror's failure to disclose his  
24 1995 misdemeanor conviction was “neither intentional nor deliberate supplies  
25 sufficient support for the ultimate conclusion that [the juror] was not biased  
26 against [Cowan].” (Boyette, supra, 56 Cal.4th at p. 890, 157 Cal.Rptr.3d 163,  
27 301 P.3d 530.) Cowan argues that the juror intentionally omitted his  
28 misdemeanor conviction so that he could be selected as a juror, lobby for a  
conviction and death sentence, and thereby earn good will with the District  
Attorney in the event he violated probation or sought early termination of his  
probation. This theory, however, is speculative and contrary to the evidence.  
The juror testified that his response to question 30, which asked about his  
attitude toward serving on this jury, reflected his belief that this would be “a  
great opportunity to serve on a jury, to do something like that” and that  
“[p]robation didn't even cross my mind.” He also testified that he was not trying  
“to fill out or not fill out any information on the questionnaire so [he] could be  
selected as a juror.” The referee was entitled to credit the juror's testimony on  
these points. The fact that the juror never actually asked for favorable treatment  
further supports the referee's finding. Having found no substantial likelihood  
that the juror harbored actual bias against Cowan, we conclude that Cowan is  
not entitled to relief based on his claim of juror misconduct.

(In re Cowan, supra, 5 Cal.5th 235, 248.)

1           These two cases make it clear that even an unambiguous question that is answered  
2 incorrectly is not sufficient by itself to overturn a verdict. In the instant case, Juror No. 7  
3 reasonably believed the question did not apply to her, and Petitioner has not established any  
4 facts that remotely approximate the circumstances in *Cowan* or *Manriquez*. Juror No. 7’s oral  
5 voir dire disproves any bias, much like that of the juror in *Cowan*. Juror No. 7 was asked by  
6 Mr. Geragos – “Q... but I assume you take this seriously because you believe it's a civic duty? I  
7 mean the idea of serving on a jury? A. Serving, yeah.” (HCP-000952, starting at line 2.)  
8

9  
10 **B. Juror No. 7 Had Not Participated in a Trial as a Party or Witness**

11 Question number 72 of the questionnaire asked,

12           “Have you ever participated in a trial as a party, witness or interested observer?

13           \_\_\_ Yes \_\_\_ No

14           If yes, please explain: \_\_\_\_\_”

15 Juror No. 7 placed an “X” next to “No.” She left the “please explain” portion blank.

16 Juror No. 7 answered the question truthfully as she had never participated in a trial. The  
17 proceeding for a petition for injunction prohibiting harassment cannot be construed as a trial. It  
18 is a hearing. The word “hearing” appears 34 times in the current version of Code of Civil  
19 Procedure section 527.6, and the word “trial” does not appear at all. In the 2000 version of  
20 section 527.6, in effect at the time Juror No. 7 petitioned for a restraining order, the word  
21 “hearing” appeared six times and the word trial did not appear at all. Petitioner’s argument that  
22 the hearing was a “trial” has no legal basis to support it. Juror No. 7 answered the question  
23 truthfully.

24 Having failed to establish that Juror No. 7 was a participant in a “lawsuit” based on the  
25 restraining order petition, Petitioner goes even further out on the limb of speculation by  
26 asserting that somehow Juror No. 7 must have been involved in a trial because Ms. K [REDACTED] was  
27 prosecuted for vandalism. (Claim 1, item 15, *ante*.) This court can take judicial notice that the  
28 vast majority of criminal cases resolve prior to any trial. As Juror No. 7 states in her declaration,  
she did not know what happened to Ms. K [REDACTED] and that she (Juror No. 7) never testified against

1 Ms. K [REDACTED]. (Juror No. 7 Declaration, paragraph 22.) Dispositively, Petitioner has not presented  
2 this court with any evidence that Juror No. 7 participated in a trial involving Ms. K [REDACTED].

3 As stated *ante*, the letter cited by Petitioner to make his allegation that Ms. K [REDACTED] was  
4 prosecuted (and therefore Juror No. 7 had to be involved) is refuted by the very letter Ms.  
5 K [REDACTED] wrote to the judge: “Finally I got tired of it and went over to her house to obtain my  
6 house key from Mr. W [REDACTED] (sic) got into a verbal heated argument with him which resulted  
7 in my doing some things to Mr. W [REDACTED] (sic) vehicle that I am not proud of. As a result of  
8 my actions I was punished for vandalism and served one week in the Elmwood facility at the  
9 Santa Clara County Jail.” (Exh. 45, p. HCP-000916.)

10 If Petitioner had proof that Juror No. 7 testified or that Ms. K [REDACTED]’s case did not resolve  
11 by a plea, they should be able to offer a court document as they have with the restraining order  
12 petition. He has failed to do so, and once again has failed to meet his burden.

13  
14 **C. Juror No. 7 Was Neither a “Victim” of, or a “Witness” to, a Crime**

15 Question number 74 asked, “Have you, or any member of your family, or close friends,  
16 ever been the VICTIM of a crime or a WITNESS to any crime? \_\_\_Yes \_\_\_No If yes, please  
17 explain:\_\_\_.” Juror No. 7 checked “No” and left the “please explain” section blank. Juror No.  
18 7 answered the question truthfully, as she reasonably believed she had never been a victim or a  
19 witness to a crime. In her Declaration, Juror No. 7 attests,

20 22. I did not and still do not personally know what resulted of M [REDACTED]  
21 K [REDACTED]’s behavior the night that she disturbed my peace. I did not testify against  
22 her in any criminal action and cannot state with any level of certainty whether  
23 her actions resulted in any conviction or otherwise. Based on the fact that I did  
24 not participate in any criminal proceedings, I did not consider myself a victim of  
25 a crime. I still do not. I never sought to prosecute M [REDACTED] K [REDACTED] for her  
26 behavior for that very reason.

27 23. I did not interpret the circumstances leading to the petition for a  
28 restraining order as a crime. I still do not.

29 24. Minor indignities, shoving matches, raising of voices, and other  
30 undignified means of communicating frustration do not stick out to me, let alone  
31 cause me to feel “victimized” the way the law might define that term.

32 25. I have been involved in many loud verbal disagreements. I have never  
33 considered myself a victim and I do not know whether lawyers and judges would  
34 agree or disagree with my opinion.

1 (Juror No. 7's Declaration, paragraphs 22-25.)

2 As explained before, Juror No. 7 was not a victim or a witness to Ms. K [REDACTED]'s  
3 vandalism of Juror No. 7's ex-boyfriend's car or the landlord's door. Juror No. 7 obtained a civil  
4 restraining order against Ms. K [REDACTED] and did not seek a criminal prosecution because she "did  
5 not consider myself a victim of a crime." Moreover, a "witness" is defined as a person who  
6 testifies under oath. (Evid. Code, § 710 ["Every witness before testifying shall take an oath or  
7 make an affirmation or declaration in the form provided by law..."].) As Juror No. 7 stated in  
8 her Declaration, she did not testify against M [REDACTED] K [REDACTED] in any criminal action. (Juror No.  
9 7's Declaration, paragraph 22.)

10 If this court wishes to interpret the terms "victim" and "witness" in a broader sense, then  
11 there is another incident that may fall within a broader characterization. After our Supreme  
12 Court issued the Order to Show Cause in this matter, the Stanislaus County District Attorney's  
13 Office took steps to locate Juror No. 7 to obtain a declaration from her. It was discovered that  
14 her ex-boyfriend was arrested on November 2, 2001 and later charged with several  
15 misdemeanor violations including domestic violence. Although the San Mateo court file, district  
16 attorney file and police reports had been purged years ago, there were some records available  
17 that showed the ex-boyfriend pleaded nolo contendere on January 2, 2002 to a single  
18 misdemeanor count of Penal Code section 242, simple battery. The court issued a restraining  
19 order against the ex-boyfriend to stay away from a person with a similar, but non-matching  
20 name to Juror No. 7. However, an entry in the East Palo Alto Police Department's record system  
21 has an entry for the same case that matches Juror No. 7's name.

22 Juror No. 7 is represented by counsel and the People have not been able to question her  
23 directly as to this issue but have obtained a declaration from her addressing this incident. She  
24 stated the following:

25 24. Minor indignities, shoving matches, raising of voices, and other  
26 undignified means of communicating frustration do not stick out to me, let  
27 alone cause me to feel "victimized" the way the law might define that term.

28 25. I have been involved in many loud verbal disagreements. I have  
never considered myself a victim and I do not know whether lawyers and judges  
would agree or disagree with my opinion.

1  
2 26. By way of example, I recall getting into a heated argument with  
E [REDACTED] W [REDACTED] in November of 2001, my boyfriend at the time.

3 27. During the argument, he threatened and did call the police. I did  
4 not call the police and did not consider doing so because I did not consider Mr.  
W [REDACTED]'s behavior a crime, nor did I think my own conduct was a crime.

5 28. Nonetheless, police officers arrived at my residence. Since I did  
6 not call them and did not believe they would alleviate the situation, I refused to  
allow them into my residence and I did not cooperate in any investigation.

7 29. I did not seek any assistance from law enforcement that night or  
8 anytime thereafter regarding this incident. I was never consulted by law  
9 enforcement, the District Attorney, or any court regarding the incident. No one  
10 followed up with me to address the incident, to inquire whether I believe a  
11 crime was committed, or to otherwise consult me about any decision to reject or  
12 prosecute a criminal offense.

13 30. No one has ever contacted me about this incident and it never  
14 crossed my mind during jury selection or the trial of Scott Peterson. This  
15 incident did not stick out to me as anything out of the ordinary, nor did it ever  
16 cross my mind when I was responding to the juror questionnaire. Had it crossed  
17 my mind, or had I been asked about it, I would have immediately disclosed the  
18 incident.

19 (Juror No. 7's Declaration, paragraphs 24 - 30.)

20 The only questionnaire question that may have been applicable to such circumstance  
21 would have been question No. 74, because she did not attend a trial (he pleaded no contest), and  
22 she was not a party to a "lawsuit." There were no questions asked of her during her oral voir  
23 dire that touched upon any circumstance that could have raised this issue. In her mind, as she  
24 has stated, she was not a victim or a witness, and her answer to Question 74 on the juror  
25 questionnaire was answered in good faith.

26 Juror No. 7's situation is similar to a juror in the case of *People v. San Nicolas* (2004) 34  
27 Cal.4th 614. In that case, the juror (Robert R.) failed to disclose information that resulted in an  
28 evidentiary hearing. The following comes from that case:

29 Robert R., who was 34 years old at the time of the new trial hearing on August  
30 27, 1992, admitted that 22 years before—when he was 12 or 13 years old—a  
31 group of five Latino youths had stabbed him about 15 times in the side, the  
32 head, and under the chin. He suffered broken ribs, and still has scars on his  
33 forehead and buttocks. During voir dire, the following exchange occurred: The  
34 Court: "Have you ever been the victim of a crime? Robert R.: "No, not that—  
35 not that I can remember." The Court: "How about an assault on your person,  
36 any kind of assault, battery on your person?" Robert R.: "No." The Court:  
37 "As a youth or as an adult?" Robert R.: "No." The Court: "You have never  
38 personally been the victim or the subject of any violence of any kind, is that

1 correct?” Robert R.: “That's right.”

2 At the evidentiary hearing, Robert R. stated that he did not disclose this  
3 information to the court “because I ... just never thought about it, to be honest  
4 with you.” He added that “It just never came to me or else I would have put it  
5 down. I mean I had no reason ... not to put it down.” He left question 19 of the  
6 juror questionnaire blank, where he was asked if he had ever been a crime  
7 victim. When asked why the answer was left blank, Robert R. stated, “Like I  
8 said, I, my mind just went—I never thought about it.” Defense counsel then  
9 asked whether the incident had come back to him when he heard the victims in  
10 this case had been stabbed. He replied, “No, I never thought about it, to be  
11 honest with you. My focus was to be [unbiased]. I thought like, like we was  
12 supposed to be.” He also stated: “[W]hen I was chosen as a juror, I mean [its]  
13 like anything else I do, I try to do to the best of my ability, and I think I, my  
14 main thing was trying to listen ... to the testimony, and listen to the Court's  
15 instructions and to everybody in general here, not nothing to do with nothing  
16 outside.” Robert R. told defense counsel that the only reason he told him of  
17 these incidents after the trial is because the juror thought “there was nothing,  
18 there would never be nothing else said about it.”

19 (*People v. San Nicolas, supra*, 34 Cal.4th 614, 645–646.)

20 The Supreme Court reviewed the findings of the referee and found the following:

21 We defer to the trial court's judgment on Robert R.'s credibility. The court noted  
22 that Robert R. cooperated fully with defense investigators, and ultimately  
23 concluded that Robert R. was a credible witness at the evidentiary hearing and  
24 “a fair and impartial juror in this case.” On this basis we conclude that it was not  
25 an abuse of discretion for the trial court to determine that no such bias was  
26 apparent and no misconduct occurred. (See *People v. McPeters*, [1992] *supra*, 2  
27 Cal.4th [1148] at p. 1175.)

28 In so concluding, we distinguish two cases with a factual background similar to  
this one. In *Diaz, supra*, 152 Cal.App.3d 926, a case involving a defendant  
charged with assault with a deadly weapon (knife), a juror concealed during voir  
dire that she had been assaulted at knifepoint during an attempted rape 13 years  
before, notwithstanding having been specifically asked. (*Id.* at p. 931.) During  
the last day of the four-day trial, and after the prosecution had rested its case,  
the juror revealed to court personnel her prior knife attack. She stated initially  
that “she did not remember being specifically asked whether she had been a  
victim of any similar type of incident involving a knife,” but later stated that “it  
never occurred to her the assault on her was an assault with a deadly weapon.”  
(*Ibid.*) Both the bailiff and clerk testified that the juror seemed to be “prejudiced  
as to violent crimes.” (*Ibid.*) As the trial had not yet ended and no alternate  
jurors had been selected, the trial court asked defense counsel whether he was  
willing to proceed with 11 jurors. Defense counsel refused to stipulate, and the  
trial court denied the motion to dismiss the juror. The defendant was convicted  
of assault with a deadly weapon. (*Id.* at p. 930.)

The Court of Appeal reversed, concluding that the trial court erred in refusing to  
discharge the juror pursuant to former section 1123, now Code of Civil  
Procedure section 233. (*Diaz, supra*, 152 Cal.App.3d at p. 932.) The court found  
that “when a juror has been victimized by the same type of crime,” the  
“probability of bias” is substantial and often unconscious and thus unlikely to be  
admitted during an evidentiary hearing. (*Id.* at p. 939.) When this occurs, the  
court reasoned that bias “should be implied as a matter of law” (*ibid.*),

1 rebuttable “ ‘by an affirmative evidentiary showing that prejudice does not exist  
2 or by a reviewing court’s examination of the entire record to determine whether  
3 there is a reasonable probability of actual harm to the complaining party  
4 resulting from the misconduct.’ ” (*Id.* at p. 934.) The Court concluded that the  
5 prosecutor failed to rebut the presumption of prejudice. (*Id.* at pp. 936–937.)

6 Assuming *Diaz* is correct that a rebuttable presumption of prejudice arises when  
7 jurors fail to disclose their material prior history as crime victims, we conclude  
8 that the presumption was rebutted in the present case. In contrast to the juror in  
9 *Diaz*, Robert R. was consistent in his explanation that he “never thought about”  
10 the stabbing during voir dire or trial. The trial court found him credible based on  
11 its specific observations of his demeanor and on the fact that it made no sense  
12 for him to disclose this information voluntarily to defense counsel six months  
13 after the verdict if he intentionally failed to disclose it. Nor was there in the  
14 present case any evidence affirmatively indicating juror bias, as there was in  
15 *Diaz*. Thus, unlike in *Diaz*, any presumption of prejudice was surmounted by  
16 substantial evidence that Robert R. was in fact an unbiased juror.

17 (*People v. San Nicolas, supra*, 34 Cal.4th 614, 646–647.)

18 Juror No. 7 in the instant matter did not believe she had any information to provide to  
19 the specific question asked. She was not extensively examined as juror Robert R. was, leaving  
20 no ambiguity about what was being asked of him. Yet the court still found his belief to have  
21 been in good faith and thus did not demonstrate any bias. Juror No. 7’s answers demonstrate no  
22 prejudice of the case and, thus, no actual bias. If this court determines that she should have  
23 provided the information, Juror No. 7’s honest mistake on voir dire still cannot disturb the  
24 judgment.

### 25 III.

#### 26 PETITIONER’S AUTHORITY

27 Petitioner begins his argument of alleged juror misconduct citing *In re Hitchings* (1993)  
28 6 Cal.4th 97, 110-111 (Petitioner’s Memorandum of Points and Authorities in Support of  
Petition for Habeas Corpus, “Memo,” p. 10), discussing the significance of the defense’s need to  
examine prospective jurors. Immediately following the *Hitchings*’ court’s discussion of this  
significance, the Court states, “A juror who conceals relevant facts or gives false answers during  
voir dire examination thus undermines the jury selection process and commits misconduct.”  
(*Hitchings, supra*, 6 Cal.4th at p. 111.) *Hitchings* was not followed by *Manriquez* or *Cowan* as  
set out above.

*Hitchings* is significantly different from the instant case because it involved a concern

1 about a juror’s knowledge of the case before becoming a juror, the statements of the juror in  
2 relation to that knowledge, the juror’s statements in responses to the questionnaire prior to being  
3 sworn for jury duty and the juror’s conduct during the guilt phase.

4 In the *Hitchings* case, which occurred in Loleta, a town in Humboldt County, the  
5 defendant beat an elderly couple in their 80s to death with a baseball bat. (*Hitchings, supra*, 6  
6 Cal.4th 97 at pp. 102-103.) The juror had discussed the *Hitchings* case with her coworkers at  
7 the bank she worked at multiple times before being called for jury duty. (*Id.* at p. 106.) In those  
8 conversations, the juror, along with her fellow coworkers, had stated their belief that the  
9 defendant was guilty. (*Ibid.*) At least two coworkers opined the juror and their fellow coworkers  
10 were all biased against *Hitchings*. (*Id.* at p. 107.) When answering the juror questionnaire, the  
11 juror stated she was unfamiliar with the defendant, despite working in a bank where *Hitchings*  
12 maintained his money and despite the aforementioned conversations with the juror’s coworkers.  
13 (*Id.* at pp. 104, 107.) On voir dire, the juror stated she knew little about the case but told the  
14 court she said she could be fair and when asked if she had formed an opinion, she stated she did  
15 not know anything about the case. (*Id.* at p. 104.)

16 During the guilt phase, the juror went to the bar with her coworker and her coworker  
17 testified that juror said that petitioner *Hitchings* should be “taken out, strung up or lynched  
18 up...” (*Hitchings, supra*, at p. 106.)

19 In *Hitchings*, the California Supreme Court found they did not need to decide whether  
20 the juror’s concealment was intentional to decide whether it rose to the level of misconduct,  
21 because from the record the juror’s concealment was clearly intentional. (*Hitchings, supra*, at  
22 pp. 115-116.) The Court also found the juror prejudged the case and discussed it with her  
23 coworker during the guilt phase and that there was not substantial evidence to rebut the  
24 presumption of prejudice. (*Id.* at p. 119.)

25 However, *Hitchings* is readily distinguishable, as Juror No. 7 did not intentionally  
26 conceal her previous contacts with the court system. The questionnaire did not ask if she had  
27 ever obtained a restraining order nor did the questionnaire ever ask if she had ever been to court  
28 in any type of matter. The questionnaire asked if she had “been involved in a lawsuit,”

1 “participated in a trial” or had “been a victim of a crime or a witness to any crime.” Juror No. 7  
2 answered no, because as set forth *ante* she did not pursue a “lawsuit” for money, nor did she  
3 engage in a trial and she did not consider herself a victim.

4 Petitioner here tries to meet his considerable evidentiary burden by alleging that Juror  
5 No. 7 had a nickname for baby Conner. The conduct of Juror No. 7 when she entered  
6 deliberations regarding her statement of “Little Man” comes nowhere near the level of what  
7 transpired in *Hitchings*. Unlike *Hitchings*, before Juror No. 7 made the statement, she had just  
8 finished sitting through five months of evidence which supported, in Juror No. 7’s mind, and  
9 clearly in the minds of her fellow jurors, the conviction of Petitioner. Also, unlike *Hitchings*,  
10 Juror No. 7 is not alleged to have made any statements prior to her questionnaire completion  
11 and/or voir dire regarding Petitioner’s potential guilt or what fate he should face given the  
12 charges that were not disclosed during the jury selection process.

13 Petitioner argues the test in *People v. Blackwell* (1987) 191 Cal.App.3d 925 is somehow  
14 availing to him. That case, at page 930, provides:

15 [T]he trial court, when hearing a motion for new trial, should “... determine  
16 whether the question propounded to the juror was (1) relevant to the voir dire  
17 examination; (2) whether it was unambiguous; and (3) whether the juror had  
18 substantial knowledge of the information sought to be elicited. If the trial court's  
19 determination of these inquiries is in the affirmative, the court should then  
determine if prejudice to the defendant in selecting the jury reasonably could be  
inferred from the juror's failure to respond. If prejudice reasonably could be  
inferred, then a new trial should be ordered.

20 Petitioner identifies this test within his Memo but does not ferret out the issue of whether  
21 the questions made to Juror No. 7 were unambiguous. In *Blackwell*, the ambiguity issue was  
22 discussed. “In response to general and collective voir dire questions concerning alcoholism and  
23 domestic violence, Juror R. indicated that she had no prior experience or exposure to such  
24 problems within her family.” (*Blackwell, supra*, at p. 928.) “When asked how she and her  
25 husband resolved their differences, she said, “by either one out talking the other or someone  
26 going outside and sulking.” (*Ibid.*) Appellant *Blackwell* had shot and killed her husband but  
27 had alleged she was victim to battered wife syndrome. (*Id.* at p. 927.)

28 The *Blackwell* court opined, “Falsehood, or deliberate concealment or nondisclosure of

1 facts and attitudes deprives both sides of the right to select an unbiased jury and erodes the basic  
2 integrity of the jury trial process.” (*Blackwell, supra*, at p. 929.) *San Nicolas, Manriquez* and  
3 *Cowan* were all decided after *Blackwell*.

4 In *Blackwell*, a declaration before the trial court on the new trial motion, from Juror R.  
5 stated her former husband physically abused her and since she believed since she was able to  
6 escape the abuse without violence, then appellant Blackwell could have done so as well.  
7 (*Blackwell, supra*, at p. 928.) The trial court denied appellant Blackwell’s motion for new trial,  
8 but the First District Court of Appeal reversed the trial court’s ruling, finding the questions  
9 asked of Juror R. were sufficiently specific and free from ambiguity and that Juror R.  
10 deliberately concealed the information by giving false answers. (*Id.* at p. 930.)

11 As argued above, the questions before Juror No. 7 were not as sufficiently specific as  
12 those propounded to Juror R. in *Blackwell*, nor has Juror No. 7 ever made any statements to  
13 support an allegation of deliberate concealment. *Blackwell* is distinguishable for these reasons,  
14 even assuming it applies in this circumstance.

15 Petitioner argues that *People v. Diaz* (1984) 152 Cal.App.3d 926, helps his cause.  
16 Petitioner only provides a very short summary of the facts in *Diaz* (Memo, p. 13), and it is clear  
17 why. In *Diaz*, the trial court did not empanel any alternate jurors. When the juror in *Diaz*  
18 recalled the incident wherein the juror stabbed an assailant who tried to rape the juror 13 years  
19 before the trial, the juror immediately informed the bailiff and the courtroom clerk. (*Id.* at p.  
20 931.) The trial court held an *in camera* hearing and the bailiff and the courtroom clerk testified  
21 they believed the juror was prejudiced against defendant. (*Ibid.*) When asked by the trial court if  
22 the defense would stipulate to an 11-person jury, the defense declined and then the trial court  
23 denied the defense’s motion to dismiss the juror. (*Ibid.*) The context of the events in *Diaz* is  
24 significant. The implication is that the trial court believed there was a concern about the juror  
25 when addressed, thus the question for a stipulation to an 11-person jury.

26 Much like many of the jury voir dire cases, it is the totality of the circumstances in  
27 which the alleged juror misconduct must be viewed. This is further reinforced when the *Diaz*  
28 court addressed the issue of the presumption of prejudice, as it cited to *Hasson v. Ford Motor*

1 Co. (1982) 32 Cal.3d 388, 417, which stated, “Some of the factors to be considered when  
2 determining whether the presumption is rebutted are the strength of the evidence that  
3 misconduct occurred, the nature and seriousness of the misconduct, and the probability that  
4 actual prejudice may have ensued.”

5 The *Diaz* court also focused on the manner of questioning of the juror, “The failure of a  
6 juror to respond to a relevant, direct, and unambiguous question leaves the examining attorney  
7 uninformed and unable to ask any follow-up questions to elicit the necessary facts to  
8 intelligently reach a decision to exercise a peremptory challenge or to challenge a juror for  
9 cause.” (*People v. Diaz* (1984) 152 Cal.App.3d 926, 935.) The *Diaz* court found the juror  
10 failed to respond to a direct and unambiguous question and found the trial court erred in not  
11 discharging the juror. (*Id.* at p. 936.)

12 In issuing its decision, the court in *Diaz* disagreed with the holding of the established  
13 decision of *People v. Resendez* (1968) 260 Cal.App.2d 1, in a footnote. In *Resendez*, the Second  
14 District Court of Appeal found “no substantial influence upon the ultimate verdict” where the  
15 juror recalled during jury deliberations of a molestation case that when the juror was 14 years  
16 old, the juror’s stepfather rubbed up against the juror while the juror and the stepfather were  
17 fully clothed and asked whether it felt good. (*Id.* at pp. 10-12.) Even though the juror remarked  
18 to fellow jurors that, because of the juror’s experience, the juror believed defendant to be guilty,  
19 the *Resendez* court reasoned, “[N]o individual comes to jury duty with his mind a blank slate,  
20 and it is in the balanced wisdom of group experience applied to collective deliberation that the  
21 strength of the jury system theoretically lies. In fact, free expression during jury deliberation is  
22 to be encouraged ...” (*Id.* at p. 11.)

23 A year after the decision in *Diaz*, the Second District Court of Appeal decided the case  
24 of *People v. Jackson* (1985) 168 Cal.App.3d 700. In *Jackson*, a case involving possession of  
25 113 pounds of marijuana for sale, defense counsel asked the jurors the following, “Is there  
26 anybody in the jury who up to this point has had anything in their background come to mind  
27 who's wondering if I asked you a question where you would have to tell me about it? This is  
28 what's known as the skeleton in the closet question.” (*Id.* at p. 702.) The juror did not respond to

1 defense counsel’s question, but during the third day of deliberations, the juror recalled the  
2 juror’s nephew died of an overdose and immediately informed the trial court. (*Id.* at pp. 702-  
3 703.) The trial court found the juror to be conscientious and denied the defense motion to  
4 excuse the juror. (*Id.* at p. 703.)

5 The *Jackson* court stated they could not accept the rationale in *Diaz* and instead relied on  
6 the rationale used in *Resendez, supra*. The court opined,

7 [T]o find misconduct where “concealment” is unintentional and the result of  
8 misunderstanding or forgetfulness is clearly excessive. It is with good reason  
9 that the law places severe limitations on the ability to impeach a jury's verdict.  
10 To hold otherwise would be to declare “open season” on jury verdicts not to a  
11 party's liking. A green light would be given for every unsuccessful litigant to  
12 root out after-the-fact evidence of any “subconscious bias.”

13 (*Id.* at p. 705.)

14 As in *Diaz*, the *Jackson* court discussed the vagueness of the question posed by defense.  
15 The court stated, “[w]e must admit that we are entirely unsure what information counsel was  
16 soliciting with this question or how it could be answered. If counsel's query can confound a  
17 panel of appellate justices, it is not unreasonable to assume that it might confuse an average  
18 juror as well. To regard such misunderstanding as juror misconduct—and presumptively  
19 prejudicial—is an entirely unwarranted result.” (*Id.* at pp. 705–706.)

20 The court in *Jackson* found “the proper test to be applied to unintentional “concealment”  
21 is whether the juror is sufficiently biased to constitute good cause for the court to find under  
22 Penal Code sections 1089 and 1123 that he is unable to perform his duty.” (*Id.* at p. 706.) The  
23 court found the juror’s nondisclosure was unintentional and affirmed the trial court’s decision  
24 that the juror was not biased. (*Ibid.*)

25 After the *Diaz* and *Jackson* cases, the Fifth District Court of Appeal weighed in stating:

26 We find that the majority opinion in *Diaz* is too far reaching and broad and  
27 could result in *frequent unjustified reversals*. We are in accord with the dissent  
28 which states: “Appellant's due process rights were not violated by an  
unintentional failure of a juror to disclose a prior involvement as a victim of a  
criminal act which might lead to a peremptory challenge. Perfect voir dire is  
rarely attained. Since *People v. Williams* (1981) 29 Cal.3d 392 ..., counsel may  
examine very broadly in voir dire. Given the opportunity to have a verdict  
reversed based on nondisclosure, counsel may now choose to examine very  
narrowly or not at all during voir dire.”

(*People v. Kelly* (1986) 185 Cal.App.3d 118, 125; italics added.)

1           The defendant in *Kelly* was convicted of 17 felony sex crimes against two young boys.  
2 (*Id.* at p. 119.) During voir dire, the juror was never asked if the juror was a victim of child  
3 molestation, in fact, the juror was only asked, “[F]rom Thursday and this morning, is there  
4 anything you have heard that calls to mind that would prevent you from being a fair and  
5 impartial juror?” (*Id.* at p. 122, fn. 1.) The juror in *Kelly* told defense counsel post trial that  
6 when the juror was young, the juror’s step uncle walked into the room, began to unbuckle his  
7 belt and said, “I’ll show you mine if you show me yours.” (*Id.* at p. 120.) However, the juror’s  
8 grandmother walked in before anything else happened. (*Ibid.*)

9           In rendering its decision, the *Kelly* court remarked about the significant difference  
10 between appellant Kelly’s case and the juror’s experience stating, “Although [the juror’s] past  
11 experience is certainly regrettable, it does not come close to rising to the seriousness of the  
12 crimes in the instant case. If anything, [the juror] was the victim of a misdemeanor of annoying  
13 or molesting a child under the age of 18. (Pen. Code, § 647a.)” (*Id.* at pp. 122-123.) Further,  
14 the *Kelly* Court also noted, unlike *Diaz*, the question posed to the juror in *Kelly*’s case was  
15 anything but a direct and unambiguous question. (*Id.* at p. 126.)

16           Following a review of *Resendez, supra*, the *Kelly* court found no misconduct and noted  
17 within its holding that the juror’s “nondisclosure was not intentional” and the past experience of  
18 the juror “was dissimilar from the crimes in the instant case lessening the chance for bias” and  
19 that the juror “clearly denied any bias or impropriety.” (*People v. Kelly, supra*, at pp. 128–129.)

20           Twenty years after *Diaz*, the California Supreme Court reviewed the issue of a juror who  
21 was alleged to have committed misconduct. (*People v. San Nicolas* (2004) 34 Cal.4th 614.) San  
22 Nicolas was convicted of stabbing his wife and niece to death. (*Id.* at p. 627.) The juror  
23 questionnaire in Question No. 15 asked, “Have you ever been involved in criminal case as a  
24 victim, defendant or a witness?” (*Id.* at p. 644.) A juror failed to mention three incidents in  
25 response to this question: an arrest for possession of methamphetamine in 1991, an arrest where  
26 the juror spent time in jail based on mistaken identity and the fact the juror was stabbed  
27 repeatedly when the juror was 12, twenty-two years prior to the new trial hearing. (*Ibid.*) On the  
28 juror questionnaire, the juror also left Question No. 19 blank where he was asked if he was a

1 crime victim. (*Id.* at p. 645.)

2 On voir dire, the following dialog took place with the juror:

3 The Court: Have you ever been the victim of a crime?

4 The Juror: No, not that—not that I can remember.

5 The Court: How about an assault on your person, any kind of assault, battery on  
6 your person?

7 The Juror: No.

8 The Court: As a youth or as an adult?

9 The Juror: No.

10 The Court: You have never personally been the victim or the subject of any  
11 violence of any kind, is that correct?

12 The Juror: That's right.

13 (*Ibid.*)

14 During the evidentiary hearing on San Nicolas's motion for new trial, the juror stated  
15 that he didn't even know he was being charged in the methamphetamine arrest until he was  
16 dismissed as a juror. (*Id.* at p. 644.) The juror said he didn't mention the mistaken identity case  
17 because it was just a mistake made by the police. (*Ibid.*) As to the stabbing when he was 12 and  
18 being a crime victim, he just didn't think about it when responding to questions. Believing the  
19 juror was frank in his answers and that he wasn't trying to hide anything, the Court found the  
20 juror was fair and impartial and denied the motion. (*Id.* at p. 646.) The California Supreme  
21 Court found no prejudice, stating,

22 Assuming *Diaz* is correct that a rebuttable presumption of prejudice arises when  
23 jurors fail to disclose their material prior history as crime victims, we conclude  
24 that the presumption was rebutted in the present case. In contrast to the juror in  
25 *Diaz*, [the juror] was consistent in his explanation that he "never thought about"  
26 the stabbing during voir dire or trial. The trial court found him credible based on  
27 its specific observations of his demeanor and on the fact that it made no sense  
28 for him to disclose this information voluntarily to defense counsel six months  
after the verdict if he intentionally failed to disclose it. Nor was there in the  
present case any evidence affirmatively indicating juror bias, as there was in  
*Diaz*. Thus, unlike in *Diaz*, any presumption of prejudice was surmounted by  
substantial evidence that [the juror] was in fact an unbiased juror.

(*People v. San Nicolas, supra*, at p. 647.)

1 Petitioner, much like the defendant in *San Nicolas*, argues that *Dyer v. Calderon* (9th Cir.  
2 1998) 151 F.3d 970, is like the situation before this court. However, in *Dyer* the juror failed to  
3 mention the murder of her brother which happened six years before Dyer’s trial. The juror also  
4 failed to mention a few other incidents: when the juror was a child, the juror and the juror’s  
5 siblings were kidnapped by the juror’s father, the juror was a victim of many burglaries, the  
6 juror’s uncle was arrested for murder and robbery, the juror’s brother was arrested for  
7 possession of LSD, brass knuckles and marijuana and the juror’s estranged husband had been  
8 arrested for rape shortly after the guilt phase of the trial. (*Id.* at pp. 980-981.) The juror also  
9 stated she believed the murder of her brother was accidental even though her brother was pistol  
10 whipped four times before being shot and killed. (*Id.* at p. 975.) In reviewing the case, Justice  
11 Kozinski referred to the juror as “Pinocchio.” (*Id.* at p. 980.)

12 While the Ninth Circuit did reverse the conviction in *Dyer*, the Court also opined,  
13 One important mechanism for ensuring impartiality is voir dire, which enables the  
14 parties to probe potential jurors for prejudice. For voir dire to function, jurors must  
15 answer questions truthfully. *Nevertheless, we must be tolerant, as jurors may forget*  
16 *incidents long buried in their minds, misunderstand a question or bend the truth a bit to*  
*avoid embarrassment. The Supreme Court has held that an honest yet mistaken answer*  
*to a voir dire question rarely amounts to a constitutional violation; even an intentionally*  
*dishonest answer is not fatal, so long as the falsehood does not bespeak a lack of*  
*impartiality.*

17 (*Dyer v. Calderon, supra*, at p. 973; italics added.)

18 Clearly with the evidence before it, it is no surprise the Ninth Circuit found prejudice.  
19 (*Id.* at p. 982.) However, those facts are readily distinguishable from the matters before this  
20 court. Here, a juror, untrained in the law, stated she had not been a party to a lawsuit and did  
21 not believe she was a victim of a crime. There are no similarities in Juror No. 7’s situation to the  
22 murder of a pregnant Laci Peterson and her unborn child, Conner. Juror No. 7 plainly stated in  
23 her restraining order petition that she feared an early childbirth due to her then-boyfriend’s ex-  
24 girlfriend’s behavior and in her declaration, she states that she did not and still does not view  
25 herself as a victim.

26 Another case cited by Petitioner is *McDonough Power Equip., Inc. v. Greenwood*,  
27 (1984) 464 U.S. 548. However, the very holding of that case undermines his contentions in  
28 support of his claim of prejudicial misconduct:

1 To invalidate the result of a three-week trial because of a juror's mistaken,  
2 though honest response to a question, is to insist on something closer to  
3 perfection than our judicial system can be expected to give. A trial represents an  
4 important investment of private and social resources, and it ill serves the  
5 important end of finality to wipe the slate clean simply to recreate the  
6 peremptory challenge process because counsel lacked an item of information  
7 which objectively he should have obtained from a juror on voir dire  
8 examination. Whatever the merits of the Court of Appeals' standard in a world  
9 which would redo and reconstruct what had gone before upon any evidence of  
10 abstract imperfection, we think it is contrary to the practical necessities of  
11 judicial management reflected in Rule 61 and § 2111. We hold that to obtain a  
12 new trial in such a situation, a party must first demonstrate that a juror failed to  
13 answer honestly a material question on voir dire, and then further show that a  
14 correct response would have provided a valid basis for a challenge for cause.  
15 The motives for concealing information may vary, but only those reasons that  
16 affect a juror's impartiality can truly be said to affect the fairness of a trial.

17 (*McDonough Power Equip., Inc. v. Greenwood, supra*, at pp. 555–556.)

18 None of the other authorities cited or referred to by Petitioner aid in his argument.

19 *Boyette, Hamilton, Miles, San Nicolas, Manriquez* and *Cowan* control in this case.

#### 20 IV.

#### 21 PETITIONER'S TRIAL COUNSEL WANTED JUROR NO. 7 ON THE JURY

22 Petitioner fails to acknowledge in his petition that his trial counsel, Mr. Geragos, wanted  
23 Juror No. 7 to serve on the jury. Mr. Geragos even told Judge Delucchi that the judge was not  
24 being welcoming to Juror No. 7 (Prospective Juror No. 6756). The following exchange  
25 occurred between the court, Mr. Geragos and Juror No. 7 (HCP-000924):

26 Q. The first thing I want to ask you, will they pay you if you're here for five  
27 months?

28 A. No.

Q. I didn't think so. How long will they pay you for?

A. Two weeks.

Q. Two weeks. Then you wouldn't make it. Okay. You're excused.

A. That's it?

Q. That's it. We can't expect you to be here and not earn a living.

A. Thank you.

MR. GERAGOS: Did you ask her if it was a hardship?

1 THE COURT: What?  
2 MR. GERAGOS: Did you ask her if it was a hardship?  
3 THE COURT: Only gets paid for two weeks. I take judicial notice it's a  
4 hardship. ¶ That's right; you can't sit here for five months  
5 without getting paid, right?  
6 PROSPECTIVE JUROR: Okay.  
7 MR. GERAGOS: I think she's willing to –  
8 THE COURT: You want to sit here for five months without getting paid? If you  
9 want to that's fine. I'll go through the process.  
10 PROSPECTIVE JUROR: I mean I'm willing to, you know –  
11 THE COURT: Okay. Sit down.  
12 PROSPECTIVE JUROR: Okay.  
13 THE COURT: I'll withdraw my judicial notice.  
14 MR. GERAGOS: I was going to say you're not being so welcoming.  
15 THE COURT: Well, only two weeks, most people would say –  
16 MR. GERAGOS: Yeah, but we've got a couple of others who have said the same  
17 thing.

18 (HCP-000923 to HCP-000924.)

19 Notably, Mr. Geragos pointed out to the court that there were others who were willing to  
20 serve without being paid. The People argue this demonstrates that Juror No. 7 was no different  
21 from the other persons who take jury service seriously, and who harbored no ulterior motive in  
22 being willing to accommodate jury service.

23 Juror No. 7's recollection comports with the transcript. In her Declaration she wrote,  
24 During the jury selection process, I was brought into the courtroom alone—just  
25 as other jurors before and after me—to answer questions. The judge began to  
26 excuse me from jury service because my employer would only pay me two (2)  
27 weeks of jury service. I thanked the judge and began to walk out of the  
28 courtroom. Before I could exit the courtroom, the attorney from [*sic*] Scott  
Peterson—Mark Geragos—interrupted my departure and asked the judge to  
inquire about me further instead of excusing me right away.

28 (Declaration of Juror No. 7, paragraph 14.)

1 Juror No. 7 had gotten up to leave and was walking out. Her actions clearly belie any  
2 suggestion by Petitioner that she was angling to get on the jury. Once it became clear to her that  
3 she would be excused based on a hardship, Juror No. 7 did not protest or otherwise attempt to  
4 avoid being excused: she got up and intended to leave, until Petitioner's trial counsel  
5 intervened.

6 Further, in Petitioner's allegations (No. 20) he states that "[t]he extremely lengthy trial  
7 imposed a financial hardship on Ms. [REDACTED]. During the trial she was forced to borrow money  
8 from a fellow juror, who loaned her \$1000. (Exh. 8 at HCP-000244.)" The reason for this is  
9 made clear in the voir dire transcript. The court had told Juror No. 7 she would be there for the  
10 duration and could not say, "Gee, Judge, I need money."

11 The voir dire transcript provides:

12 Q. You understand now if you get selected on this jury you'd be here for five  
13 months or more; you understand that?

14 A. (Nods head)

15 Q. And I can't let you go if something develops or you say Gee, Judge, I need the  
16 money. You're here for the duration; do you understand that?

17 A. Yeah. We've talked about it.

18 Q. Okay.

19 A. My family and I.

20 A. Good. Okay. Okay.

21 (HCP-000925, lines 10-20.)

22 Since Juror No. 7 had previously been told by the judge that there was no alternative if  
23 she needed money, she turned to a fellow juror for a loan. As also explained before, Juror No.  
24 7's financial situation was explained in *We the Jury*,

25 Richelle [REDACTED] had quit her job with the Stanford Credit Union shortly before  
26 becoming a juror. Her youngest son took ill and she was missing work as she  
27 shuttled him back and forth to the emergency room. At the beginning of the trial  
28 she was living on \$400/month in child support from the father of her  
two youngest children. But another juror informed her that the credit union may  
have violated family-medical leave statutes. The credit union agreed to pay her  
salary and medical benefits for the duration of the trial.

1 (HCP-000244, Juror No. 7's Declaration paragraph 3.)  
2

3 **V.**

4 **JUROR NO. 7'S POST-VERDICT LETTERS TO PETITIONER DEMONSTRATE**  
5 **CONCERN FOR BOTH VICTIMS AND THE FAMILY MEMBERS INVOLVED, NOT**  
6 **ONLY CONNER.**

7 Petitioner would have the court believe that Juror No. 7 demonstrated a fanatical interest  
8 in Conner through her written correspondence with Petitioner. This is untrue. Should they be  
9 properly authenticated, the letters attached to the habeas petition (Exh. 46) show that Juror No. 7  
10 felt compassion for all of the parties involved: Laci, Conner, Laci's family, Petitioner and his  
11 family.

12 **A. First Letter**

13 In the first letter attached to the petition (HCP-000957), dated "8/8/05," Conner is  
14 mentioned seven times and six of those times also include mention of Laci. Only one time does  
15 Juror No. 7 mention Conner without reference to the other victim, his mother:

- 16 1. "The spot where your beautiful *wife* washed ashore...and YOU robbed *her & your*  
17 *beautiful son* of a life with each other and the rest of the family who loved and cared  
18 about them so much!"
- 19 2. "What pushed you so far to the limit, where you felt that you needed to kill someone  
20 who not only loved you so much, but *someone who was carrying [sic] part of you* inside  
21 her?"
- 22 3. "My heart aches for *your son*. Why couldn't he have the same chances in life as you  
23 were given. You should have been dreaming of *your son* being the best at whatever he  
24 did in life, not planning a way to get rid of him!"
- 25 4. "If you have any love whatsoever, for *Laci and Conner*, then give them justice."
- 26 5. "*Laci and Conner* deserve that. And your parents deserve the truth."
- 27 6. "I will continue to pray for *Laci, Conner & the rest of the family...as well as you.*"
- 28 7. "I hope that one day before you pass, you will finally *set their souls free.*"

(Italics added.)

1 **B. Second Letter**

2 In the second letter in Exhibit 46 (HCP-000962), dated “Dec. 3, 05,” there is no specific  
3 mention of Conner at all. Juror No. 7 says only that Petitioner’s “kids” would not have had to  
4 struggle and that he and Laci would have been wonderful parents:

- 5 1. You would have loved being a Dad, Scott. I wish you just would have tried. *Your kids*  
6 would have never known what it’s like to struggle. *You and Laci* would have been  
7 wonderful parents.

8 (Italics added.)

9 **C. Third Letter**

10 In the third letter that appears in Exhibit 47 (HCP-000966), dated “12/17/05,” Juror No.  
11 7 mentioned Conner three times by his name and each time she also mentioned Laci. Another  
12 sentence mentions Laci, and Conner is referred to as a “baby”:

- 13 1. “All the pressure just hit me. I think it has been the time of year. Our verdict, *Laci &*  
14 *Conner.*”

- 15 2. “I hope *Laci & Conner* will be able to hold each other on the 23rd. But my goal is to get  
16 better for my kids. But here I am still worried about *Laci & Conner.*”

- 17 3. “I just pray god has givin [sic] *laci arms to hold her presous [sic] lil baby.*”

- 18 4. “...let [*Sharon*] have rest & a piece [sic] of mind with her *daughter and grandson.*”

19 (Italics added.)

20 **D. Fourth Letter**

21 In the fourth letter (HCP-000971), dated “1/11/06”:

- 22 1. Damit [sic] Scott that was *your son!*

- 23 2. Again Scott for the sake of *Laci & Conner (Lil man) & Sharon* to have some piece [sic]  
24 of mind & for Scott, come clean.”

25 (Italics added.)

26  
27 **E. Fifth Letter**

28 In the fifth letter (HCP-000974), dated “3/17/06,” Conner is mentioned once in a

1 sentence about how he would not have suffered the poverty that Juror No. 7's children have:

- 2 1. "*Conner* would never have had to go through this. He would have had a wonderful  
3 life."

4 (Italics added.)

5 **F. Sixth Letter**

6 In the sixth letter (HCP-000976), dated "3/30/06," Conner is mentioned once with Laci:

- 7 1. "*Laci and Conner* have been on my mind so much these last few days."

8 (Italics added.)

9 **G. Seventh Letter**

10 In the seventh letter (HCP-000977), dated "5/30/06," Juror No. 7 writes that she can see  
11 both Conner ("your son") and Laci:

- 12 1. "You know what Scott, *I see your son*. I can visualize him, Dark hair, Dark skin,  
13 beautiful little boy. I can see him. *I see Laci's big beautiful smile* shinning [sic] down  
14 on him...."

15 (Italics added.)

16 In sum, these letters do not demonstrate that Juror No. 7 was fixated on Petitioner's  
17 deceased child because she sought a restraining order when she was pregnant and therefore was  
18 biased against Petitioner. The letters show Juror No. 7's concern for Laci and Conner and their  
19 family. These letters demonstrate only that Juror No. 7 was as traumatized by the evidence  
20 presented at the trial as were other jurors who wrote about their continual thoughts of Laci and  
21 Conner, years after the trial. The People need not repeat the impact the facts of this case had on  
22 the other jurors as already set forth *ante*.

23 Lastly, Petitioner states on page 17, footnote 4 of his Points and Authorities, that Juror  
24 No. 7 wrote a book about her experience as a juror in petitioner's case suggesting "that she not  
25 only intended to pass judgment on petitioner, but to profit from the experience." Much like the  
26 letters, the book demonstrates no such fact; if it were true it would also mean that the other  
27 jurors that participated in the book must have been biased. Clearly, such an allegation cannot be  
28 believed.

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**VI.**

**THE AFFIDAVITS OF JUROR NO. 1 AND JUROR NO. 6 DO NOT CONSTITUTE  
COMPETENT EVIDENCE**

The affidavits of Jurors Nos. 1 and 6 (HCP-000176)<sup>11</sup> in Petitioner’s Exhibits 51 and 50, respectively, present no competent evidence as to whether Juror No. 7 committed misconduct and was actually biased against Petitioner. The People will set forth the paragraph as stated in the jurors’ declarations, and their objection(s) in bold after each line of the declaration. Given that the declarations do not constitute competent evidence and that they are largely irrelevant to the issue before this court, it would appear that Petitioner’s intention is to divert the court’s attention away from the shortcomings of his arguments and otherwise prejudice the court’s view with unreliable and extraneous assertions.

**A. Specific Evidentiary Objections to Declaration of Juror No. 6, Submitted July 14, 2018 as Exhibit No. 50 (HCP-000985.)**

Paragraph 1: “I was a juror on Scott Peterson’s trial in Redwood City, California, in 2004. **(No Objection.)** At the time that I reported for jury service, I was working as a firefighter and paramedic. **(Irrelevant.)** I am now Battalion Chief for the Fire Department of the City of South San Francisco.” **(Irrelevant.)**

**Objection: Irrelevant (Evid. Code, §§ 350 and 351).**

Paragraph 2: “Being a juror on this trial was a long, difficult task. **(No Objection.)** The court paid us a very small stipend for each day we served on the jury. **(Irrelevant; Lack of Foundation.)** Even though my employer paid me during my jury service, the fifteen-dollar stipend would not cover what it cost me to be there every day. **(Irrelevant.)** During the trial, on days that I did not have to be in court, I had to be at work. **(Irrelevant.)** There were only about six days between June and December of 2004 when I wasn’t either in court as a juror or working. **(Irrelevant.)** The stress and isolation of being a juror also took a toll on my personal

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<sup>11</sup> As previously explained, pursuant to Civil Code of Procedure § 237(a)(2), the People will refer to jurors by their numbers, regardless of whether the jurors have publicly disclosed their identities.

1 relationships. **(Irrelevant.)**”

2 **Objection: Irrelevant (Evid. Code, §§ 350 and 351).**

3  
4 Paragraph 3: “The prosecutors and the defense lawyers were very different from each  
5 other: The prosecution was not flashy at all and often seemed disorganized in their presentation.  
6 Scott’s defense lawyers were from Los Angeles and were both showy and dramatic. **(Juror**  
7 **Mental Process.)** Geragos seemed to have a huge ego. **(Improper Opinion; Juror Mental**  
8 **Process.)** In his opening statement, Geragos promised that he would show the jury that Scott  
9 was totally innocent. **(Hearsay; Irrelevant.)** He said something like ‘my client is a cad, but he  
10 is not a murderer.’ **(Hearsay; Irrelevant.)** Geragos never presented the witness testimony he  
11 had promised would show that Scott was innocent. **(Irrelevant.)** I did not think he needed to  
12 make such a bold promise to show the jury that Scott was undeniably innocent. **(Irrelevant;**  
13 **Improper Opinion; Juror Mental Process.)** He told us that we would hear testimony from  
14 people who saw Laci alive after she was reported missing and that it would prove Scott could  
15 not have murdered Laci. **(Hearsay.)** He never produced that testimony. **(Irrelevant.)** His  
16 failure to make good on that promise only made me more confident that there were no such  
17 witnesses and there was no evidence that Scott did not do it.” **(Irrelevant; Juror Mental**  
18 **Process.)**

19 **Summary of Objections: Irrelevant (Evid. Code, §§ 350 and 351), Improper**  
20 **Opinion (Evid. Code, § 800), Juror Mental Process (Evid. Code, § 1150), Hearsay (Evid.**  
21 **Code, § 1200).**

22  
23 Paragraph 4: “The defense presented evidence that a burglary took place across the  
24 street from Laci and Scott’s house in Modesto around the time of Laci’s disappearance.  
25 **(Hearsay; Irrelevant.)** We did not hear evidence of a monitored telephone call to a Modesto  
26 prisoner saying that the man arrested for the burglary had told someone that Laci Peterson had  
27 seen him burglarizing the house. **(Lack of Foundation; Irrelevant; Juror Mental Process.)**  
28 Any evidence that Laci was still alive when Scott was already at the marina would have been

1 important to me as a juror. **(Irrelevant; Juror Mental Process.)** We heard evidence that Laci  
2 was a pretty bold person and even sometimes woke up homeless people and told them they  
3 should move on. **(Hearsay; Irrelevant.)** Evidence showing that she may have confronted the  
4 burglars would have been significant.” **(Irrelevant; Juror Mental Process.)**

5 **Summary of Objections: Irrelevant (Evid. Code, §§ 350 and 351), Lack of**  
6 **Foundation (Evid. Code, § 403), Juror Mental Process (Evid. Code, § 1150), and Hearsay**  
7 **(Evid. Code, § 1200).**

8  
9 Paragraph 5: “Several jurors were dismissed from the jury during trial. **(Irrelevant.)**  
10 The first juror to be dismissed was [redacted] [redacted] was caught on camera saying hello to  
11 Brent Rocha, Laci’s Brother, when entering the courthouse. **(Irrelevant, Lack of Foundation.)**  
12 Soon after this happened, [redacted] was replaced by [redacted], an alternate who [redacted].”  
13 **(Irrelevant.)**

14 **Summary of Objections: Irrelevant (Evid. Code, §§ 350 and 351), Lack of**  
15 **Foundation (Evid. Code, § 403).**

16  
17 Paragraph 6: “Jurors and alternates spent a lot of time together and the time was often  
18 pretty intense. **(Improper Opinion, Lack of Foundation.)** [Juror No. 7] was one of the  
19 alternates who became a juror. **(No Objection.)** Although I did not know it until afterwards,  
20 there was apparently a rumor during the trial that [Juror No. 7] was pregnant with my child.  
21 **(Hearsay; Irrelevant.)** I have no idea how this rumor started. **(Irrelevant.)** I learned that  
22 [Juror No. 7] had multiple children by different fathers. **(Lack of Foundation; Hearsay,**  
23 **Irrelevant.)** She told me that she got pregnant by a guy who had a girlfriend, and that during  
24 her pregnancy, she and the girlfriend had some problems and the woman threatened her.”  
25 **(Hearsay.)**

26 **Summary of Objections: Irrelevant (Evid. Code, §§ 350 and 351), Lack of**  
27 **Foundation (Evid. Code, § 403), Improper Opinion (Evid. Code, § 800) and Hearsay (Evid.**  
28 **Code, §§ 1200).**

1  
2 Paragraph 7: “[Redacted] the first foreman of the jury as we entered guilt phase  
3 deliberations. **(Unable to determine if admissible due redaction.)** [Redacted] took extensive  
4 notes and filled more notebooks than any of the other jurors. **(Irrelevant; Juror Mental**  
5 **Process.)** During guilt-phase deliberations, another juror, [redacted], told us that [redacted] had  
6 done [redacted] own internet research at home regarding some testimony from the trial.  
7 **(Hearsay, Irrelevant.)** We halted deliberations, informed the court, and [redacted] was  
8 dismissed. **(Irrelevant.)** At that point, we had just been working to determine a timeline by  
9 writing things on butcher paper on the wall. **(Juror Mental Process.)** After [redacted] was  
10 dismissed, the bailiffs came into the deliberation room and removed all of our papers from off of  
11 the wall. **(No Objection.)** We were instructed to start again from the beginning with the  
12 replacement, [Juror No. 7].” **(No Objection.)**

13 **Summary of Objections: Irrelevant (Evid. Code, §§ 350 and 351) and Juror Mental**  
14 **Process (Evid. Code, § 1150); Hearsay (Evid. Code, § 1200).**

15  
16 Paragraph 8: “We started again with [Juror No. 7] now in the deliberation room, and  
17 [redacted] was still the foreman. **(No Objection.)** Other jurors and I had problems with  
18 [redacted] process of going through the evidence. **(Improper Opinion as to other jurors;**  
19 **Irrelevant as to Juror No. 6’s statement; Juror Mental Process.)** [Redacted] wore a baseball  
20 hat during deliberations. **(Irrelevant.)** When [redacted] had it on straight, with the bill in front,  
21 [redacted] said [redacted] was acting as foreman. **(Irrelevant; Juror Mental Process.)** But  
22 sometimes [redacted] turned it around and wore it backwards, saying that now [redacted] was  
23 just ‘one of us,’ a normal juror deliberating. **(Irrelevant; Juror Mental Process.)** I found this  
24 strange and childish. **(Irrelevant.)** I objected to [redacted] inserting information into  
25 deliberations that we had not received in evidence, and [redacted] seemed really offended.  
26 **(Hearsay; Irrelevant; Juror Mental Process.)** [Redacted] accused me of discussing the case  
27 outside of deliberations, but that was untrue. **(Hearsay; Irrelevant.)** Soon after that [redacted]  
28 left the jury and was replaced by [redacted]. **(Irrelevant.)** Shortly after, the other jurors chose

1 me to be the foreman. **(No Objection.)** Again, the bailiffs removed all of our work from the  
2 walls, and we started the deliberation process over.” **(No Objection.)**

3 **Summary of Objections: Irrelevant (Evid. Code, §§ 350 and 351), Improper**  
4 **Opinion (Evid. Code, § 800), Hearsay (Evid. Code, § 1200).**

5  
6 Paragraph 9: “At both phases of deliberation, the verdicts were publically [*sic*]  
7 broadcasted in real-time, and members of the public came to the courthouse to voice their  
8 support for Scott being found guilty and receiving the death penalty. **(Lack of Foundation;**  
9 **Irrelevant; Improper Opinion.)** Both times – at the end of the guilt and penalty phases, we  
10 were in the courtroom when the verdict was read aloud. **(Irrelevant.)** There was a short delay,  
11 and then we heard loud cheering outside of the courthouse. **(Irrelevant.)** Public reactions to  
12 the case did not influence my decisions.” **(Juror Mental Process.)**

13 **Summary of Objections: Irrelevant (Evid. Code, §§ 350 and 351), Lack of**  
14 **Foundation (Evid. Code, § 403), Improper Opinion (Evid. Code, § 800) and Juror Mental**  
15 **Process (Evid. Code, § 1105).**

16  
17 Paragraph 10: “During penalty phase deliberations, some of the jurors were grasping at  
18 straws to try and settle for life in prison, rather than give Scott the death penalty. **(Irrelevant as**  
19 **to guilt phase at issue here; Juror Mental Process.)** People said things like ‘it’s not like he’s  
20 Charles Manson, he didn’t chop us their bodies up.’ **(Hearsay; Juror Mental Process.)** As the  
21 foreman, I requested that the jury get to see the photos of Laci and Conner’s remains.  
22 **(Irrelevant; Juror Mental Process.)** I felt that these photos were powerful reminders of what  
23 we had found Scott guilty of doing.” **(Irrelevant; Juror Mental Process.)**

24 **Summary of Objections: Irrelevant (Evid. Code, §§ 350 and 351), Juror Mental**  
25 **Process (Evid. Code, § 1150) and Hearsay (Evid. Code, § 1200).**

26  
27 Paragraph 11: “Being sequestered during deliberations for both guilt and penalty phases  
28 of the trial was difficult. **(Irrelevant.)** We stayed at the Crowne Plaza Hotel in Foster City.

1 **(Irrelevant.)** We were incredibly restricted in what we could do. **(Irrelevant.)** We could not  
2 watch any live television or socialize with one another unless we were in the mess room, where  
3 bailiffs were monitoring us. **(Irrelevant.)** I spent a lot of the time in our hotel working out in  
4 my room. **(Irrelevant.)** I convinced them to let us up on the roof of the hotel because I argued  
5 that even prisoners are allowed to go outside to the yard; we should be allowed that same  
6 privilege. **(Irrelevant.)** They let us go outside for an hour a day to get some fresh air and  
7 exercise.” **(Irrelevant.)**

8 **Objection: Irrelevant (Evid. Code, §§ 350 and 351).**

9  
10 Paragraph 12: “When the trial concluded after the penalty phase, we were told to speak  
11 to the media. **(No Objection.)** I did not want to, but I was told I had to. **(No Objection.)** I  
12 now realize that was not the case; I was not required to speak to the media. **(No Objection.)**  
13 Immediately after the trial, I spoke to the media, appearing on various shows and giving a few  
14 interviews. **(No Objection.)** I received numerous offers for large sums of money for exclusive  
15 interviews, but did not accept them. **(Hearsay.)** I was not interested in fame or making money  
16 off this case. **(Irrelevant.)** I had a life and a career, and I wanted to return to those things.  
17 **(Irrelevant.)** I was disgusted by how hungry the media was to keep attention on this case.  
18 **(Irrelevant.)** At one point, multiple female producers came to my house in Half Moon Bay; it  
19 was cold outside, so I let them into my house. **(Irrelevant.)** The trial was over and I was still  
20 living with my then-girlfriend. **(Irrelevant.)** While one of them was interviewing my girlfriend  
21 about how my jury service impacted her, a female producer took me into another room and  
22 asked for an exclusive interview about the trial in a sexually suggestive manner. **(Irrelevant.)** I  
23 was shocked and disgusted by the lengths that people were willing to go to get a story.”

24 **(Irrelevant.)**

25 **Summary of Objections: Irrelevant (Evid. Code, §§ 350 and 351), Hearsay (Evid.**  
26 **Code, § 1200).**

27  
28 Paragraph 13: “I feel strongly that it is wrong to try to profit from someone’s death.

1 **(Irrelevant.)** I felt this way even after sitting on this jury for months. **(Irrelevant.)** When  
2 there were first discussions of book deals after the trial, the agreement was that the profit made  
3 off of any book that we jurors wrote would be donated to the Sund-Carrington Foundation;  
4 every penny was supposed to be donated. **(Irrelevant.)** When plans to donate the profits  
5 changed, I was no longer interested. **(Irrelevant.)** It felt wrong to me. **(Irrelevant.)** I am not  
6 surprised that other jurors looked to financially benefit from this case. **(Irrelevant.)** Other  
7 people were in much worse financial situations than I was and needed money, especially after  
8 being unpaid or minimally paid for nearly half a year while sitting on this jury. **(Improper**  
9 **Opinion; Hearsay.)** I heard that ultimately, though, the jurors who authored “*We, the Jury*”  
10 made very little money from it.” **(Improper Opinion; Hearsay.)**

11 **Summary of Objections: Irrelevant (Evid. Code, §§ 350 and 351); Improper**  
12 **Opinion (Evid. Code, § 800), and Hearsay (Evid. Code, § 1200).**

13  
14 Paragraph 14: “I understand that Hannah Gilson is an investigator working for the  
15 Habeas Corpus Resource Center, which represents Scott Peterson. **(No Objection.)** I have  
16 willingly giving [sic] this information to the best of my knowledge.” **(No Objection.)**

17 **No Objection.**

18  
19 **B. Specific Evidentiary Objections to Declaration of Juror No. 1, Submitted July 12,**  
20 **2018 as Exhibit No. 51 (HCP-000990.)**

21 Paragraph 1: “I was on the jury of Scott Peterson’s trial in Redwood City, California, in  
22 2004.” **(No Objection.)**

23 **No Objection.**

24  
25 Paragraph 2: “There was a lot of media attention on this case, and on us as jurors.  
26 **(Irrelevant.)** When the trial began, the jurors had to walk through the front doors of the  
27 courthouse and go through the metal detectors, along with members of the media and other  
28 people. **(Irrelevant.)** After a while, the court decided that the jurors should wait outside in a

1 small group and be escorted into the courthouse. **(Irrelevant.)** Getting us in and out of the  
2 courthouse and keeping the media away from us was pretty disorganized and chaotic throughout  
3 the trial.” **(Irrelevant.)**

4 **Objection: Irrelevant (Evid. Code, §§ 350 and 351).**

5  
6 Paragraph 3: “I did not know much about the case when the trial began. **(Irrelevant.)**  
7 It seemed like the prosecutors expected the jurors to know more than we did coming in  
8 **(Speculation);** early on in the trial, they often made statements that assumed some knowledge  
9 that I did not have. **(Irrelevant; Hearsay.)** For the first few months, the prosecution had not  
10 convinced me that Scott was guilty. **(Irrelevant; Juror Mental Process.)** Mark Geragos did a  
11 good job of casting doubt on the prosecution’s theory of the crime. **(Irrelevant; Juror Mental**  
12 **Process.)** Ultimately there was not enough convincing evidence presented to me to believe that  
13 Laci was abducted and murdered by homeless people.” **(Irrelevant; Juror Mental Process.)**

14 **Summary of Objections: Irrelevant (Evid. Code, §§ 350 and 351), Speculation**  
15 **(Evid. Code, §§ 600, 702, 801), Juror Mental Process (Evid. Code, § 1150), and Hearsay**  
16 **(Evid. Code, § 1200).**

17  
18 Paragraph 4: “Amber Frey’s testimony turned the tide in the courtroom for me.  
19 **(Irrelevant; Juror Mental Process.)** I do not think that Scott’s infidelity necessarily meant  
20 that he was guilty of murder, but the tapes and Scott’s lies really showed me his true colors.”  
21 **(Irrelevant; Juror Mental Process.)**

22 **Objection: Irrelevant (Evid. Code, §§ 350 and 351) and Juror Mental Process**  
23 **(Evid. Code, § 1150).**

24  
25 Paragraph 5: “There are a few things that particularly stuck with me during the trial.  
26 **(Irrelevant.)** One of them was Scott’s fishing license. **(Irrelevant.)** He bought a two-day  
27 license that was not filled out and signed at the Bait and Tackle shop. **(Irrelevant.)** I had never  
28 seen this before, and it made me very skeptical. **(Irrelevant; Juror Mental Process.)** I relied a

1 lot of [*sic*] my sense of reasonableness and rationality. **(Irrelevant; Juror Mental Process.)**

2 When thinking through Scott’s actions leading up to and on the day of the crime, I asked  
3 myself: ‘Is it reasonable for Scott to have made this decision? Would I, as a reasonable person,  
4 have made that decision?’ Most of his decisions did not make sense to me, and those added  
5 up.” **(Irrelevant; Juror Mental Process.)**

6 **Objection: Irrelevant (Evid. Code, §§ 350 and 351) and Juror Mental Process**  
7 **(Evid. Code, § 1150).**

8  
9 Paragraph 6: “I believe the most compelling evidence overall was the location where  
10 Laci and Conner’s bodies were discovered. **(Irrelevant; Juror Mental Process.)** If they had  
11 not showed up in the Bay where Scott claimed to be fishing, I do not think that he would be in  
12 prison.” **(Irrelevant.)**

13 **Objection: Irrelevant (Evid. Code, §§ 350 and 351) and Juror Mental Process**  
14 **(Evid. Code, § 1150).**

15  
16 Paragraph 7: “[Redacted] had taken so many notes that [redacted] had filled multiple  
17 notebooks [redacted] wanted to meticulously go through each notebook and reconsider each  
18 piece of evidence. **(Irrelevant; Juror Mental Process.)** We felt that if [redacted] had just  
19 listened instead of taking so many notes, [redacted] would not have had to refer to his notebooks  
20 so much. **(Irrelevant.)** [Redacted] seemed pretentious to me and during the trial [redacted] did  
21 not chat or get lunch with any of the other jurors [redacted] was constantly on [redacted]  
22 cellphone.” **(Irrelevant.)**

23 **Objection: Irrelevant (Evid. Code, §§ 350 and 351) and Juror Mental Process**  
24 **(Evid. Code, § 1150).**

25  
26 Paragraph 8: “Early in deliberations, a juror was dismissed for doing [redacted] internet  
27 research. **(Irrelevant.)** [Juror No. 7], an alternate juror, replaced [redacted]. **(No Objection.)**  
28 [Juror No. 7] came in with an attitude. **(Speculation, Improper Opinion, Vague and**

1 **Overbroad.)** She told us she was from East Menlo Park, which is a rough area. (**Lack of**  
2 **Foundation; Hearsay.)** Already during the trial, she seemed like an emotional wreck.  
3 (**Speculation; Irrelevant.)** She seemed to enjoy the attention the trial was getting; it was as  
4 though being a part of the trial became part of her identity. (**Speculation; Irrelevant.)** When  
5 she walked into the deliberation room, she came in talking a big game about how we should ‘get  
6 Scott for what he did to Laci and Little Man.’ (**Hearsay; Juror Mental Process.)** Little man  
7 was the nickname [Juror No. 7] used to refer to Laci and Scott’s unborn son, Conner. (**No**  
8 **Objection.)** I found this attitude very frustrating. (**Irrelevant.)** The other jurors immediately  
9 told [Juror No. 7] that she was in no place to come in and tell us what we should do; there was a  
10 process to follow in looking at the evidence and coming to a thoughtful conclusion.” (**Hearsay;**  
11 **Juror Mental Process.)**

12 **Summary of Objections: Irrelevant (Evid. Code, §§ 350 and 351), Lack of**  
13 **Foundation (Evid. Code, § 403), Speculation (Evid. Code, §§ 600, 702, 801), Improper**  
14 **Opinion (Evid. Code, § 800), Juror Mental Process (Evid. Code, § 1150) and Hearsay**  
15 **(Evid. Code, §§ 1200), and Vague and Overbroad.**

16  
17 Paragraph 9: “[Redacted]. While we were sequestered over the weekend, [redacted]  
18 acted differently than [redacted] had throughout the trial [redacted] was more social and even  
19 danced suggestively [redacted] one evening in the recreation room at the hotel. (**Irrelevant.)**  
20 After that weekend, [redacted] got off of the jury by reporting some sort of misconduct.  
21 (**Irrelevant.)** Another alternate was seated, and [redacted], was voted foreman.” (**No**  
22 **Objection.)**

23 **Objection: Irrelevant (Evid. Code, §§ 350 and 351).**

24  
25 Paragraph 10: “While we were sequestered, I felt like a prisoner. (**Irrelevant.)** We  
26 were always supervised by bailiffs and mostly confined to our rooms. (**Irrelevant.)** Our  
27 families were permitted to bring supplies and drop them off at the hotel for us, but we didn’t get  
28 to spend time with them. (**Irrelevant.)** One juror, [redacted], got cases of beer dropped off at

1 [redacted] door. **(Irrelevant.)** I joked that [redacted] must have been taking baths in beer,  
2 because I did not see how [redacted] could drink it all. **(Irrelevant; Speculation)** [Redacted]  
3 was also a heavy smoker and, although our floor was supposed to be non-smoking, [redacted]  
4 smoked in [redacted] hotel room so much that I [*sic*] my room down the hall reeked of cigarette  
5 smoke. **(Irrelevant.)** While sequestered, [redacted] rarely left [redacted] room, even for meals.  
6 **(Irrelevant; Speculation.)**

7 **Summary of Objections: Irrelevant (Evid. Code, §§ 350 and 351); Speculation**  
8 **(Evid. Code, §§ 600, 702, 801).**

9  
10 Paragraph 11: The crowds of people who stood outside the courthouse started cheering  
11 after the verdicts were read. **(Irrelevant.)** This was very disturbing to me; it was not a cheerful  
12 event. **(Irrelevant.)** It was a lose-lose situation, and I did not understand how people could  
13 cheer for it. **(Irrelevant; Juror Mental Process.)**

14 **Objection: Irrelevant (Evid. Code, §§ 350 and 351) and Juror Mental Process**  
15 **(Evid. Code, § 1150).**

16  
17 Paragraph 12: “I understand that Hannah Gilson is an investigator with the Habeas  
18 Corpus Resource Center, which represents Scott Peterson. **(No Objection.)** I have willingly  
19 giving [*sic*] this information to the best of my knowledge.” **(No Objection.)**

20 **No Objection.**

21  
22 **CONCLUSION**

23 Even if Juror No. 7 may be reasonably characterized as unsophisticated or somewhat  
24 naïve when it comes to legal matters, Petitioner has failed to demonstrate that she committed  
25 prejudicial misconduct in the manner in which she answered certain questions in the juror  
26 questionnaire. Even assuming Juror No. 7 should have disclosed the contested information, she  
27 did not intentionally withhold the information and acted in good faith. Petitioner has failed to  
28 demonstrate that Juror No. 7 harbored actual bias towards him and as such he has not carried his

1 burden of proof. In summary, it cannot be said that Juror No. 7 “committed prejudicial  
2 misconduct by not disclosing her prior involvement with other legal proceedings, including but  
3 not limited to being the victim of a crime, as alleged in Claim 1.” The People contend that Juror  
4 No. 7’s declaration is sufficient for this court to make a finding – no showing of prejudicial  
5 misconduct occurred – but it is within this court’s discretion to proceed to an evidentiary  
6 hearing.

7 Dated: December 11, 2020

Respectfully Submitted,

8 BIRGIT FLADAGER  
9 District Attorney  
County of Stanislaus

10 *David P. Harris*

11 DAVID P. HARRIS  
12 Assistant District Attorney

13 Attorneys for Respondent  
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# Exhibit 1

## Declaration of Juror No. 7

1 **DECLARATION OF JUROR #7 IN THE PEOPLE OF THE STATE OF CALIFORNIA**  
2 **V. SCOTT PETERSON**

3 I, Juror #7, declare as follows:

4 1. I have personal knowledge of the below, and if called upon to testify as a witness,  
5 I would and would competently testify to the facts set forth in this declaration.

6 2. I was summoned to the San Mateo County Superior Court pursuant to a jury  
7 summons in March of 2004. stated upon information and belief, I believe them to be true.

8 3. At the time, I was employed as a teller at Stanford Credit Union. My highest  
9 educational attainment was high school, and I had no training as a lawyer or paralegal.

10 4. I was provided with a long prospective juror questionnaire containing 116  
11 questions, many of which contains subparts.

12 5. I responded to the juror questionnaire candidly, truthfully, and to the best of my  
13 ability.

14 6. Question 54 was separated into two subparts—"54a." and "54b." The former  
15 asked me whether I had ever been involved in a "lawsuit (other than divorce proceedings)" and  
16 the latter asked "if yes, were you: The plaintiff . . . The defendant . . . Both."

17 7. I read the two subparts together because they were labeled as being part of the  
18 same question—54.

19 8. I had never been a plaintiff or defendant to my memory, and therefore placed an  
20 "X" in the response field to question "54a."

21 9. Because I had answered no to "54a.," I left "54b." blank.

22 10. At the time that I answered these questions—together and right in the middle of a  
23 twenty-page questionnaire—I understood the word "lawsuit" to mean and refer to a suit for  
24 money or property. I did not think that the question was a reference to any other appearance in  
25 court.

26 11. I am not a lawyer and have no legal education, so my understanding of the word  
27 "lawsuit" at the time that I filled out the form excluded other types of court proceedings. I also  
28 looked to the language of question "54b.," which referred to a "plaintiff" and "defendant" to  
confirm my understanding of the questionnaire.

1           12.     I was not asked to clarify this written response by the judge or either of the parties  
2 or their representatives. No one followed up with me to explain what the word “lawsuit” meant  
3 to me. No one defined the word “lawsuit” to include being in court for any reason.

4           13.     At the time that I was summoned, my employer provided two (2) weeks of paid  
5 leave in the event of my jury service.

6           14.     During the jury selection process, I was brought into the courtroom alone—just as  
7 other jurors before and after me—to answer questions. The judge began to excuse me from jury  
8 service because my employer would only pay me for two (2) weeks of jury service. I thanked the  
9 judge and began to walk out of the courtroom. Before I could exit the courtroom, the attorney  
10 from Scott Peterson—Mark Geragos—interrupted my departure and asked the judge to inquire  
11 about me further instead of excusing me right away.

12           15.     The judge decided to keep me in the jury pool after Mark Geragos made this  
13 request.

14           16.     I answered all the questions that were asked of me by the judge, the prosecutors,  
15 and the defense attorneys. I clarified my oral responses when I was asked to do so, an  
16 opportunity I was not given when I filled out my written questionnaire.

17           17.     I do not remember being orally questioned about my answers to “54a.” and “54b.”  
18 on the questionnaire.

19           18.     At no time during the jury selection process did any court case in which I was  
20 involved cross my mind.

21           19.     Though I did not recall this at the time of jury selection or during the trial, I did  
22 request a restraining order against a woman named M [REDACTED] K [REDACTED] in November of 2000.

23           20.     The restraining order request was made because Ms. K [REDACTED] came to the home  
24 where I lived and caused a disturbance. At the time, my boyfriend E [REDACTED] W [REDACTED] was the ex-  
25 boyfriend of M [REDACTED] K [REDACTED]. She was not happy with the current arrangement, and came to my  
26 apartment to confront me about it.

27           21.     I sought a restraining order based on that behavior. I did not hire an attorney, I  
28 filed the petition myself. Since I am not a lawyer, I attempted to fill out the petition to the best of  
my ability.

1           22.     I did not and still do not personally know what resulted of M [REDACTED] K [REDACTED]'s  
2 behavior the night that she disturbed my peace. I did not testify against her in any criminal action  
3 and cannot state with any level of certainty whether her actions resulted in any conviction or  
4 otherwise. Based on the fact that I did not participate in any criminal proceedings, I did not  
5 consider myself a victim of a crime. I still do not. I never sought to prosecute M [REDACTED] K [REDACTED]  
6 for her behavior for that very reason.

7           23.     I did not interpret the circumstances leading to the petition for a restraining order  
8 as a crime. I still do not.

9           24.     Minor indignities, shoving matches, raising of voices, and other undignified  
10 means of communicating frustration do not stick out to me, let alone cause me to feel  
11 “victimized” the way the law might define that term.

12           25.     I have been involved in many loud verbal disagreements. I have never considered  
13 myself a victim and I do not know whether lawyers and judges would agree or disagree with my  
14 opinion.

15           26.     By way of example, I recall getting into a heated argument with E [REDACTED] W [REDACTED]  
16 in November of 2001, my boyfriend at the time.

17           27.     During the argument, he threatened and did call the police. I did not call the  
18 police and did not consider doing so because I did not consider Mr. W [REDACTED]'s behavior a  
19 crime, nor did I think my own conduct was a crime.

20           28.     Nonetheless, police officers arrived at my residence. Since I did not call them and  
21 did not believe they would alleviate the situation, I refused to allow them into my residence and I  
22 did not cooperate in any investigation.

23           29.     I did not seek any assistance from law enforcement that night or anytime  
24 thereafter regarding this incident. I was never consulted by law enforcement, the District  
25 Attorney, or any court regarding the incident. No one followed up with me to address the  
26 incident, to inquire whether I believe a crime was committed, or to otherwise consult me about  
27 any decision to reject or prosecute a criminal offense.

28           30.     No one has ever contacted me about this incident and it never crossed my mind  
during jury selection or the trial of Scott Peterson. This incident did not stick out to me as

1 anything out of the ordinary, nor did it ever cross my mind when I was responding to the juror  
2 questionnaire. Had it crossed my mind, or had I been asked about it, I would have immediately  
3 disclosed the incident.

4 31. At no time before, during, or after the Scott Peterson trial did I ever for a moment  
5 harbor any personal animus toward Scott Peterson, nor was I biased against him or in favor of  
6 the prosecution.

7 32. I did not purposely withhold any information from the court during the jury  
8 selection process. I have had countless unpleasant experiences in my life. Those outlined above  
9 did not cross my mind during any portion of the jury selection process or during the trial. They  
10 did not play any role in my evaluation of the evidence or my verdicts.

11 33. I did not form any conclusions regarding the evidence in the case until I was  
12 called into the jury deliberation room. I recall discussing the evidence with the remaining jurors  
13 before a unanimous verdict was reached.

14 34. I have an abiding conviction that the charges are true based on the evidence that  
15 was presented at trial. This abiding conviction is based solely on the strength of the evidence  
16 presented at trial.

17  
18 I declare under penalty of perjury under the laws of the United States of America and the  
19 State of California that the foregoing is true and correct.  
20

21  
22 12 / 10 / 2020

23 Dated



24 Signed

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# Exhibit 2

## Post OSC Documents

(Personal or identifying information has been redacted from this exhibit but can be provided to Petitioner’s Counsel upon request)

**From:** [Craig Grogan](#)  
**To:** [Birgit Fladager](#); [Dave Harris](#)  
**Subject:** FW: Scott Peterson: Out-Aid request for assistance  
**Date:** Wednesday, October 21, 2020 12:39:41 PM  
**Attachments:** [image004.png](#)  
[image001.jpg](#)  
[CIV415040.pdf](#)

---

Update:

I am working on getting the records from San Mateo and Santa Clara Counties.

San Mateo forwarded the below information where K [REDACTED] has rejected 166 cases, and a 20002. W [REDACTED] has a DV case.

Santa Clara is working on getting the vandalism report and court records for the case mentioned in the restraining order narrative.

My question is do you want me to have San Mateo to follow up on the 166 cases or the DV? And try to get reports?

Craig

---

**From:** [REDACTED] <[REDACTED]>  
**Sent:** Wednesday, October 21, 2020 11:26 AM  
**To:** Craig Grogan <[REDACTED]>  
**Cc:** [REDACTED] <[REDACTED]>  
**Subject:** RE: Scott Peterson: Out-Aid request for assistance

Craig,

I suspect the meat of what you are looking for will be located in Santa Clara County. It appears the vandalism report was taken by Mountain View PD (Santa Clara County), M [REDACTED] K [REDACTED] wrote in her affidavit that she spent time in Elmwood Jail (Santa Clara County), etc. I will do a virtual introduction in a few minutes with a Lieutenant in Santa Clara County who should be able to get you what you need from their Santa Clara County records, and hopefully Mountain View PD as well. If not, I have some really good contacts at Mountain View PD, so just let me know. Pasted below is what I found in our county systems for all three of your individuals (R [REDACTED], M [REDACTED] K [REDACTED], and E [REDACTED] W [REDACTED]). Per our discussion, I did not provide you with everything, I just limited my scope to events around the discussed timeframe. I can dig into and provide you more on anything below, just let me know.

\*\*\* Note- The restraining order case out of 2000 did not contain any documents in the court system, likely because the case file is so old. \*\*\*

**(Juror)** [REDACTED]

Nothing in PBK in or near the 2000 timeframe

Odyssey (SMCO Court System):

CIV415040 R [REDACTED] v M [REDACTED] K [REDACTED]

File Date: 11-27-2000/ Closed

(PDF Attached)

M [REDACTED] K [REDACTED]

594 PC on CH (Mountain View/ Santa Clara County Conviction)

From SMCO PBK

Offense: 01-13-1989

CHP Report #LH 57877

PBK File #081-0595408

CV39532- CV 20002(A) Misdemeanor

Disposed- Closed

Offense: 8-23-2001

EPA PD Report #EP0120219

PBK File #081-0470422

CV18722- PC 166(A)(1)- Contempt of Court Misdemeanor

Refused- Rejected

Offense: 9-5-2002

EPA PD Report #EP0218218

PBK File #081-0494977

CV18738- PC 166(A)(4)- Contempt of Court/ Disobey Court Order Misdemeanor

Refused- Rejected

E [REDACTED] W [REDACTED]

Offense: 11-2-2001

Domestic Violence case (please let me know if you want more information on this.)

Odyssey (SMCO Court System):

9-5-2001 Family and Civil Court filing/ Department of Child Support Services (please let me know if you want more information on this.)

[REDACTED]

[REDACTED]

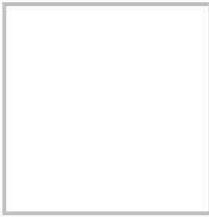
San Mateo County District Attorney's Office

400 County Center, 3<sup>rd</sup> Floor

Redwood City, CA 94063

[REDACTED] Direct

[REDACTED] [.org](#)



---

**From:** [REDACTED] <[REDACTED]>  
**Sent:** Wednesday, October 21, 2020 10:01 AM  
**To:** [REDACTED] <[REDACTED]>  
**Cc:** [REDACTED] <[REDACTED]>  
**Subject:** Scott Peterson: Out-Aid request for assistance

[REDACTED]

Attached, is the Scott Peterson request for assistance due to possible Juror misconduct.

Please assign as appropriate and keep me advised of the outcome.

Thanks

Jw

---

**From:** Craig Grogan <[REDACTED]>  
**Sent:** Tuesday, October 20, 2020 4:14 PM  
**To:** [REDACTED] <[REDACTED]>  
**Cc:** Birgit Fladager <[REDACTED]>; Dave Harris <D[REDACTED]>  
**Subject:** FW: Exhibit 45.pdf

**CAUTION:** This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

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[REDACTED],

The attached documents represent the information the defense provided regarding Juror R [REDACTED] and her involvement as a victim or suspect in a crime.

We were hoping to locate documents that might not be included regarding the restraining order case.

Also, there is a mention in a narrative on page 8 of 20 regarding Mr. W [REDACTED]'s vehicle being vandalized by Ms. K [REDACTED]. I presume this is the vandalism case on Ms. K [REDACTED]'s record that Ms. [REDACTED]

was a witness on. We would like to have the police reports and court documents related to that case to see if Ms. N [REDACTED] was ever required to appear in court. Did the case plea at an early stage, or was there a jury trial where Ms. [REDACTED] testified?

Thank you,

Craig Grogan  
Criminal Investigator  
Bureau of Investigation  
Stanislaus County District Attorney  
832 12<sup>th</sup> Street Rm 300  
Modesto CA. 95354

[REDACTED]  
[REDACTED]  
[REDACTED] 



### Case Information

CIV415040 | R [REDACTED] V M [REDACTED] K [REDACTED]

Case Number	Court	
CIV415040	Civil Unlimited	
File Date	Case Type	Case Status
11/27/2000	(43) Unlimited Other Petition (Not Spec)	Closed

### Party

Plaintiff

N [REDACTED], [REDACTED]

Active Attorneys ▾

Pro Se

Defendant

K [REDACTED], M [REDACTED]

### Cause of Action

File Date	Cause of Action	Type	Filed By	Filed Against
11/27/2000	Complaint	Action	N [REDACTED], [REDACTED]	K [REDACTED], M [REDACTED]

### Disposition Events

12/13/2000 Judgment ▼

Judgment Type  
Completed

Party

Name: K [REDACTED], M [REDACTED]

Comment: 0001 COMPLAINT

Party

Name: N [REDACTED], [REDACTED]

Comment: 0001 COMPLAINT

### Events and Hearings

11/27/2000 Petition ▼

Comment

PIPH: PETITION FOR INJUNCTION PROHIBITING HARASSMENT FILED.

11/27/2000 Conversion Action ▼

Comment

OSCTR: ORDER TO SHOW CAUSE RE TEMPORARY RESTRAINING ORDER HARASSMENT FILED BY R [REDACTED], SIGNED BY JUDGE PFEIFFER.

11/27/2000 New Filed Case

11/27/2000 Cause Of Action ▼

Action	File Date
Complaint	11/27/2000

12/13/2000 Order to Show Cause Hearing ▾

Original Type

Order to Show Cause Hearing

Judicial Officer

PFEIFFER, ROSEMARY

Hearing Time

9:00 AM

Result

Held -

Comment

Dept: PJLM HEARING: ORDER TO SHOW CAUSE RE: TEMPORARY RESTRAINING ORDER (HARASSMENT) FILED BY R [REDACTED] AND SIGNED BY JUDGE PFEIFFER ON 11/27/00

12/13/2000 Conversion Hearing ▾

Judicial Officer

PFEIFFER,  
ROSEMARY

Comment

HEARING: ORDER TO SHOW CAUSE RE: TEMPORARY RESTRAINING ORDER (HARASSMENT) FILED BY R [REDACTED] AND SIGNED BY JUDGE PFEIFFER ON 11/27/00

12/13/2000 Conversion Minute ▾

Judicial Officer

PFEIFFER,  
ROSEMARY

Comment

JCR: HONORABLE ROSEMARY PFEIFFER, JUDGE PRESIDING. CLERK: DONNA CARTER. COURT REPORTER: LORETTA DURAN.

12/13/2000 Conversion Minute ▾

Comment

PTYPP: R [REDACTED] PRESENT IN PRO PER.

12/13/2000 Conversion Minute ▾

Comment

PTYPP: M [REDACTED] K [REDACTED] PRESENT IN PRO PER.

12/13/2000 Conversion Minute ▾

Comment

COM: R [REDACTED] AND M [REDACTED] K [REDACTED] WERE EACH SWORN AND TESTIFIED.

12/13/2000 Conversion Minute ▾

Comment

PGRA: PETITION GRANTED.
12/13/2000 Conversion Minute ▾  Comment COM: DEFENDANT TO STAY 100 YARDS AWAY AND HAVE NO CONTACT IN PERSON, BY PHONE OR MAIL.
12/13/2000 Conversion Minute ▾  Comment MICMS: ENTERED BY DONNA ON 12/13/00.
12/13/2000 Conversion Minute ▾  Comment LINE: =====
12/13/2000 Restraining Order After Hearing ▾  Comment OAHHAR: ORDER AFTER HEARING ON PETITION FOR INJUNCTION PROHIBITING HARRASSMENT FILED BY R [REDACTED]. SIGNED BY JUDGE PFEIFFER, ON 12/13/00. ORDER EXPIRES 12/13/03

## Financial

No financial information exists for this case.

## Dave Harris

---

**From:** Craig Grogan  
**Sent:** Wednesday, October 21, 2020 3:02 PM  
**To:** Birgit Fladager; Dave Harris  
**Subject:** FW: Scott Peterson: Out-Aid request for assistance

---

**From:** [REDACTED] <[REDACTED]>  
**Sent:** Wednesday, October 21, 2020 1:26 PM  
**To:** Craig Grogan <[REDACTED]>  
**Subject:** RE: Scott Peterson: Out-Aid request for assistance

I'll see what I can do for you. Stay tuned!

---

**From:** Craig Grogan <[REDACTED]>  
**Sent:** Wednesday, October 21, 2020 1:25 PM  
**To:** [REDACTED] <[REDACTED]>  
**Subject:** RE: Scott Peterson: Out-Aid request for assistance

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I am just going to make the call as they appear to have some relevance to the issue, please see if you can locate the reports for the 166.4 cases along with the best evidence the cases were rejected / dismissed. I need to determine if they made it over to the court and then were dismissed or if they were not filed cases.

Thank you,

---

**From:** [REDACTED] <[REDACTED]>  
**Sent:** Wednesday, October 21, 2020 1:08 PM  
**To:** Craig Grogan <[REDACTED]>  
**Subject:** RE: Scott Peterson: Out-Aid request for assistance

Yes, these contacts are related to the dismissed cases from earlier. I'm not sure of the chances they might still exist, but I can check fairly quickly once the prosecutors decide if they want me to inquire. Off the cuff, I would say we have a 50/50 chance of the reports still existing.

Let me know.

---

**From:** Craig Grogan <[REDACTED]>  
**Sent:** Wednesday, October 21, 2020 1:03 PM  
**To:** [REDACTED] <[REDACTED]>  
**Subject:** RE: Scott Peterson: Out-Aid request for assistance

**CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.**

Copy thank you.

These are the two dismissed cases from the prior info you sent me I assume. So would those reports still exist?

I am checking with the prosecutors first, but what are the odds of recovering the reports?

**From:** [REDACTED] <[REDACTED]>  
**Sent:** Wednesday, October 21, 2020 12:21 PM  
**To:** Craig Grogan <[REDACTED]>  
**Cc:** [REDACTED] <[REDACTED]>  
**Subject:** RE: Scott Peterson: Out-Aid request for assistance

Craig,

I can't provide much more, but this is M [REDACTED] K [REDACTED]'s person record in the EPA PD RIMS System:

Person

**EAST PALO ALTO POLICE DEPARTMENT - Multi-Agency RIMS Return**

Page 1 | Page 2 | Page 3 | Notes

Name	K [REDACTED], M [REDACTED]	DOB	[REDACTED]	Age	53	Race	BLACK	FBI	[REDACTED]
Adrs	[REDACTED]	Apt	[REDACTED]	Hair	BLACK	SSN	[REDACTED]		
City	EAST PALO ALTO	State	[REDACTED]	Zip	94303	Eyes	BROWN	St ID	[REDACTED]
Phone	[REDACTED]	Cell	65 [REDACTED]	Dr Lic	[REDACTED]	CA	[REDACTED]		
Sex	F	Hgt	5 2	Wt	170	ID	[REDACTED]	Veh Lic	[REDACTED] CA

Cmt [REDACTED] Ofcr Safety [REDACTED]

Age Range 0 - 0 as of [REDACTED]

Date	Code	Text	Inc/Cite	Case/FI	Ag
09/28/1898	CI	4000(A)(1)	7077126		EP
07/24/2001	CHG	Prev adrs: 5 NEWELL COURT by EMAY			EP
07/21/2001	S	166(A)(4) PC, INFO		E01-202-19	EP
06/29/2002	S	166(A)(4) PC		E02-182-18	EP

In cross referencing R [REDACTED]'s person record in the EPA PD RIMS system, it appears R [REDACTED] was likely the listed victim out of the 7-21-2001 incident. Nothing shows up on R [REDACTED]'s person record in the EPA PD RIMS system earlier than 2006, so I don't know if she was listed as a confidential victim in the 2001 incident or what happened.

Associated Persons for KINSEY, MARCELLA

**EAST PALO ALTO POLICE DEPARTMENT - Multi-Agency RIMS Return**

Associated Person Name	Connection	Nature	Event #	Date
[REDACTED] R [REDACTED]	S-V	C	101202191	07/21/2
W [REDACTED], E [REDACTED]	S-W	C	102182181	07/01/2
[REDACTED]	S-W	C	102182181	07/01/2

E [REDACTED] W [REDACTED] is listed as a Witness in the E02-182-18 EPA PD case in which K [REDACTED] is listed as a suspect.

Hope this helps.

[REDACTED]

---

**From:** Craig Grogan <[REDACTED]>

**Sent:** Wednesday, October 21, 2020 11:42 AM

[REDACTED] >  
[REDACTED] >

**Subject:** RE: Scott Peterson: Out-Aid request for assistance

**CAUTION:** This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

---

Copy thank you.

Am I correct in assuming that Ms. N [REDACTED] was not listed as a witness in any of those reports related to K [REDACTED] or W [REDACTED] or it would have appeared under her name search?

---

[REDACTED] >  
**Sent:** Wednesday, October 21, 2020 11:26 AM

**To:** Craig Grogan [REDACTED] >

[REDACTED] >  
**Subject:** RE: Scott Peterson: Out-Aid request for assistance

Craig,

I suspect the meat of what you are looking for will be located in Santa Clara County. It appears the vandalism report was taken by Mountain View PD (Santa Clara County), M [REDACTED] K [REDACTED] wrote in her affidavit that she spent time in Elmwood Jail (Santa Clara County), etc. I will do a virtual introduction in a few minutes with a Lieutenant in Santa Clara County who should be able to get you what you need from their Santa Clara County records, and hopefully Mountain View PD as well. If not, I have some really good contacts at Mountain View PD, so just let me know. Pasted below is what I found in our county systems for all three of your individuals (R [REDACTED], M [REDACTED] K [REDACTED], and E [REDACTED] W [REDACTED]). Per our discussion, I did not provide you with everything, I just limited my scope to events around the discussed timeframe. I can dig into and provide you more on anything below, just let me know.

\*\*\* Note- The restraining order case out of 2000 did not contain any documents in the court system, likely because the case file is so old. \*\*\*

**(Juror) R [REDACTED]**  
Nothing in PBK in or near the 2000 timeframe

Odyssey (SMCO Court System):  
CIV415040 R [REDACTED] v M [REDACTED] K [REDACTED]  
File Date: 11-27-2000/ Closed  
(PDF Attached)

M [REDACTED] K [REDACTED]

594 PC on CH (Mountain View/ Santa Clara County Conviction)

From SMCO PBK

Offense: 01-13-1989

CHP Report #LH 57877

PBK File #081-0595408

CV39532- CV 20002(A) Misdemeanor

Disposed- Closed

Offense: 8-23-2001

EPA PD Report #EP0120219

PBK File #081-0470422

CV18722- PC 166(A)(1)- Contempt of Court Misdemeanor

Refused- Rejected

Offense: 9-5-2002

EPA PD Report #EP0218218

PBK File #081-0494977

CV18738- PC 166(A)(4)- Contempt of Court/ Disobey Court Order Misdemeanor

Refused- Rejected

E [REDACTED] W [REDACTED]

Offense: 11-2-2001

Domestic Violence case (please let me know if you want more information on this.)

Odyssey (SMCO Court System):

9-5-2001 Family and Civil Court filing/ Department of Child Support Services (please let me know if you want more information on this.)

[REDACTED]  
[REDACTED]  
San Mateo County District Attorney's Office  
400 County Center, 3<sup>rd</sup> Floor  
Redwood City, CA 94063

[REDACTED]



---

From: [REDACTED] <[REDACTED]>

Sent: Wednesday, October 21, 2020 10:01 AM

To: [REDACTED] <[REDACTED]>

Cc: [REDACTED] <[REDACTED]>

Subject: Scott Peterson: Out-Aid request for assistance

Attached, is the Scott Peterson request for assistance due to possible Juror misconduct.

Please assign as appropriate and keep me advised of the outcome.

Thanks

---

**From:** Craig Grogan <[REDACTED]>  
**Sent:** Tuesday, October 20, 2020 4:14 PM  
[REDACTED] <[REDACTED]>  
**Cc:** Birgit Fladager <[REDACTED]>; Dave Harris <[REDACTED]>  
**Subject:** FW: Exhibit 45.pdf

**CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.**

[REDACTED],

The attached documents represent the information the defense provided regarding Juror R [REDACTED] and her involvement as a victim or suspect in a crime.

We were hoping to locate documents that might not be included regarding the restraining order case.

Also, there is a mention in a narrative on page 8 of 20 regarding Mr. W [REDACTED]'s vehicle being vandalized by Ms. K [REDACTED]. I presume this is the vandalism case on Ms. K [REDACTED]'s record that Ms. [REDACTED] was a witness on. We would like to have the police reports and court documents related to that case to see if Ms. [REDACTED] was ever required to appear in court. Did the case plea at an early stage, or was there a jury trial where Ms. [REDACTED] testified?

Thank you,

Craig Grogan  
Criminal Investigator  
Bureau of Investigation  
Stanislaus County District Attorney  
832 12<sup>th</sup> Street Rm 300  
Modesto CA. 95354



**Dave Harris**

**From:** Craig Grogan  
**Sent:** Wednesday, October 21, 2020 3:01 PM  
**To:** Dave Harris; Birgit Fladager  
**Subject:** FW: Scott Peterson: Out-Aid request for assistance

**From:** [REDACTED] <[REDACTED]>  
**Sent:** Wednesday, October 21, 2020 2:13 PM  
**To:** Craig Grogan <[REDACTED]>  
**Subject:** RE: Scott Peterson: Out-Aid request for assistance

The "confidential victim" in the arrest of W [REDACTED] in 2001 was R [REDACTED]:

Case Display Record

**EAST PALO ALTO POLICE DEPARTMENT - Multi-Agency RIMS Return**

Page 1 | Offenses, Vehicles, Property | Narratives & Photos

Case #	E01-306-17	Inc #	0	Address	[REDACTED]
Date	11/02/2001		[REDACTED]	Place	[REDACTED]
Time	2057	Area	4	Apt	[REDACTED]
				City	EPA
				Zip	94303

Date/Time Reported	11/02/2001	2057	People
Disposition	PATROL ARREST	11/02/2001	Connection Name
Preprd By	[REDACTED]	11/02/2001	CV [REDACTED], RIC [REDACTED]
Assistd By	[REDACTED]		SA W [REDACTED], E [REDACTED]
Apprvd By	[REDACTED]	11/02/2004	W [REDACTED]

PREV  OK

**From:** Craig Grogan <[REDACTED]>  
**Sent:** Wednesday, October 21, 2020 1:39 PM  
**To:** [REDACTED] <[REDACTED]>  
**Subject:** RE: Scott Peterson: Out-Aid request for assistance

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---

Senior Inspector [REDACTED],

Please see what you can find on the DV case involving W [REDACTED]. I need to determine who the victim is.

---

**From:** [REDACTED] <[REDACTED]>  
**Sent:** Wednesday, October 21, 2020 1:26 PM  
**To:** Craig Grogan <[REDACTED]>  
**Subject:** RE: Scott Peterson: Out-Aid request for assistance

I'll see what I can do for you. Stay tuned!

---

**From:** Craig Grogan <[REDACTED]>  
**Sent:** Wednesday, October 21, 2020 1:25 PM  
**To:** [REDACTED] <[REDACTED]>  
**Subject:** RE: Scott Peterson: Out-Aid request for assistance

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---

I am just going to make the call as they appear to have some relevance to the issue, please see if you can locate the reports for the 166.4 cases along with the best evidence the cases were rejected / dismissed. I need to determine if they made it over to the court and then were dismissed or if they were not filed cases.

Thank you,

---

**From:** [REDACTED] <[REDACTED]>  
**Sent:** Wednesday, October 21, 2020 1:08 PM  
**To:** Craig Grogan <[REDACTED]>  
**Subject:** RE: Scott Peterson: Out-Aid request for assistance

Yes, these contacts are related to the dismissed cases from earlier. I'm not sure of the chances they might still exist, but I can check fairly quickly once the prosecutors decide if they want me to inquire. Off the cuff, I would say we have a 50/50 chance of the reports still existing.

Let me know.

---

**From:** Craig Grogan <[REDACTED]>  
**Sent:** Wednesday, October 21, 2020 1:03 PM  
**To:** [REDACTED] <[REDACTED]>  
**Subject:** RE: Scott Peterson: Out-Aid request for assistance

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These are the two dismissed cases from the prior info you sent me I assume. So would those reports still exist?

I am checking with the prosecutors first, but what are the odds of recovering the reports?

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**Sent:** Wednesday, October 21, 2020 12:21 PM  
**To:** Craig Grogan <[REDACTED]>  
**Cc:** [REDACTED] <[REDACTED]>  
**Subject:** RE: Scott Peterson: Out-Aid request for assistance

Craig,

I can't provide much more, but this is M [REDACTED] K [REDACTED]'s person record in the EPA PD RIMS System:

Person

**EAST PALO ALTO POLICE DEPARTMENT - Multi-Agency RIMS Return**

Page 1 | Page 2 | Page 3 | Notes

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Adrs	[REDACTED]	Apt	[REDACTED]	Hair	BLACK	SSN	[REDACTED]		
City	EAST PALO ALTO	State	[REDACTED]	Zip	94303	Eyes	BROWN	St ID	[REDACTED]
Phone	([REDACTED])	Cell	([REDACTED])	Dr Lic	[REDACTED]	CA			
Sex	F	Hgt	5 2	Wt	170	ID	114875	Veh Lic	[REDACTED] CA

Cmt [REDACTED] Ofcr Safety [REDACTED]

Age Range 0 — 0 as of [REDACTED]

Date	Code	Text	Inc/Cite	Case/FI	Ag
09/28/1898	CI	4000(A)(1)	7077126		EP
07/24/2001	CHG	Prev adrs: 5 NEWELL COURT by EMAY			EP
07/21/2001	S	166(A)(4) PC, INFO		E01-202-19	EP
06/29/2002	S	166(A)(4) PC		E02-182-18	EP

In cross referencing R [REDACTED]'s person record in the EPA PD RIMS system, it appears R [REDACTED] was likely the listed victim out of the 7-21-2001 incident. Nothing shows up on R [REDACTED]'s person record in the EPA PD RIMS system earlier than 2006, so I don't know if she was listed as a confidential victim in the 2001 incident or what happened.

Associated Persons for K [REDACTED] M [REDACTED]

**EAST PALO ALTO POLICE DEPARTMENT - Multi-Agency RIMS Return**

Associated Person Name	Connection	Nature	Event #	Date
[REDACTED]	S-V	C	101202191	07/21/2
W [REDACTED], E [REDACTED]	S-W	C	102182181	07/01/2
[REDACTED]	S-W	C	102182181	07/01/2

E [REDACTED] W [REDACTED] is listed as a Witness in the E02-182-18 EPA PD case in which K [REDACTED] is listed as a suspect.

Hope this helps.

[REDACTED]

---

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**Sent:** Wednesday, October 21, 2020 11:42 AM  
**To:** [REDACTED] <[REDACTED]>  
[REDACTED] <[REDACTED]>  
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**Cc:** [REDACTED] <[REDACTED]>  
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Craig,

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**(Juror) R [REDACTED]**  
Nothing in PBK in or near the 2000 timeframe

Odyssey (SMCO Court System):  
CIV415040 R [REDACTED] v M [REDACTED] K [REDACTED]  
File Date: 11-27-2000/ Closed  
(PDF Attached)

M [REDACTED] K [REDACTED]  
594 PC on CH (Mountain View/ Santa Clara County Conviction)

From SMCO PBK  
Offense: 01-13-1989  
CHP Report #LH 57877  
PBK File #081-0595408  
CV39532- CV 20002(A) Misdemeanor  
Disposed- Closed

Offense: 8-23-2001  
EPA PD Report #EP0120219  
PBK File #081-0470422  
CV18722- PC 166(A)(1)- Contempt of Court Misdemeanor  
Refused- Rejected

Offense: 9-5-2002  
EPA PD Report #EP0218218  
PBK File #081-0494977  
CV18738- PC 166(A)(4)- Contempt of Court/ Disobey Court Order Misdemeanor  
Refused- Rejected

E [REDACTED] W [REDACTED]  
Offense: 11-2-2001  
Domestic Violence case (please let me know if you want more information on this.)

Odyssey (SMCO Court System):  
9-5-2001 Family and Civil Court filing/ Department of Child Support Services (please let me know if you want more information on this.)

[REDACTED]  
[REDACTED]  
San Mateo County District Attorney's Office  
400 County Center, 3<sup>rd</sup> Floor  
Redwood City, CA 94063

[REDACTED]



---

**From:** [REDACTED] <[REDACTED]>  
**Sent:** Wednesday, October 21, 2020 10:01 AM  
**To:** [REDACTED] <[REDACTED]>  
**Cc:** [REDACTED] <[REDACTED]>  
**Subject:** Scott Peterson: Out-Aid request for assistance

[REDACTED]





**From:** [Craig Grogan](#)  
**To:** [Birgit Fladager](#); [Dave Harris](#)  
**Subject:** FW: Informal Copy of Odyssey (Court) Case from 2001/ E [REDACTED] W [REDACTED]  
**Date:** Wednesday, October 21, 2020 5:31:53 PM  
**Attachments:** [image001.ipa](#)  
[SM315961A.pdf](#)

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**From:** [REDACTED] <[REDACTED]>  
**Sent:** Wednesday, October 21, 2020 4:58 PM  
**To:** Craig Grogan <[REDACTED]>  
**Subject:** Informal Copy of Odyssey (Court) Case from 2001/ E [REDACTED] W [REDACTED]

Craig,

Attached is an informal copy of the 2001 case against E [REDACTED] W [REDACTED] that we have been discussing. This is from our court/ Odyssey system. There are no documents in our internal PBK or Court Odyssey system, due to the age of this case. As we discussed, EPA PD's original report also has likely been purged by that agency, like the other 2001/ 2002 reports. I have not checked that yet.

I will work with our staff to get a complete copy of the criminal complaint, plea, minute order, etc. ordered for this case. Since they will have to get it through our Court Clerk's Office, I'm not sure how quickly we can make that happen with Covid considerations, but we will ask that it be expedited. For now, I figured this informal copy might at least help.

Thank you.

[REDACTED]  
San Mateo County District Attorney's Office  
400 County Center, 3<sup>rd</sup> Floor  
Redwood City, CA 94063

[REDACTED] Direct  
[REDACTED]



### Case Information

██████████ | The People of the State of California vs. E ████████ W ██████████

Case Number

██████████

Court

Criminal

File Date

12/07/2001

Case Type

Complaint

Case Status

Sentenced

### Party

Plaintiff

The People of the State of California

Address

400 County Center, 3rd Floor  
Redwood City CA 94063

---

Defendant

W ██████████, E ██████████

DOB

08/26/1978

Gender

Male

Race

Black

Height

6' 3"

Weight

195 lbs

Drivers License

██████████

Address

██████████  
██████████

### Charge

Charges

W [REDACTED], E [REDACTED]

	Description	Statute	Level	Date
001	PC273.5(A)-MISD-INFLICT CORPORAL INJURY ON SPOUSE/COHABITANT	273.5(A)	Misdemeanor	11/02/2001
002	PC243(E)-MISD-BATTERY-- FORMER SPOUSE, BOY/GIRL FRIEND, NON-COHABITANT	243(E)	Misdemeanor	11/02/2001
003	PC236-MISD-FALSE IMPRISONMENT	236	Misdemeanor	11/02/2001
004	PC273A(B)-ENDANGER-MISD-CRUELTY TO CHILD BY ENDANGERING HEALTH	273A(B) -ENDANGER	Misdemeanor	11/02/2001
005	PC242-MISD-BATTERY	242	Misdemeanor	11/02/2001

### Disposition Events

12/11/2001 Plea ▼

Judicial Officer  
SUPERIOR COURT JUDGE, SAN MATEO COUNTY

001	PC273.5(A)-MISD-INFLICT CORPORAL INJURY ON SPOUSE/COHABITANT	Not Guilty
-----	--------------------------------------------------------------	------------

12/11/2001 Plea ▼

Judicial Officer  
SUPERIOR COURT JUDGE, SAN MATEO COUNTY

002	PC243(E)-MISD-BATTERY--FORMER SPOUSE, BOY/GIRL FRIEND, NON-COHABITANT	Not Guilty
-----	-----------------------------------------------------------------------	------------

12/11/2001 Plea ▼

Judicial Officer  
 SUPERIOR COURT JUDGE, SAN MATEO COUNTY

003	PC236-MISD-FALSE IMPRISONMENT	Not Guilty
-----	-------------------------------	------------

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12/11/2001 Plea ▼

Judicial Officer  
 SUPERIOR COURT JUDGE, SAN MATEO COUNTY

004	PC273A(B)-ENDANGER-MISD-CRUELTY TO CHILD BY ENDANGERING HEALTH	Not Guilty
-----	-------------------------------------------------------------------	------------

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01/02/2002 Plea ▼

Judicial Officer  
 SUPERIOR COURT JUDGE, SAN MATEO COUNTY

005	PC242-MISD-BATTERY	No Contest / Nolo Contendere
-----	--------------------	------------------------------

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01/02/2002 Disposition ▼

001	PC273.5(A)-MISD-INFLICT CORPORAL INJURY ON SPOUSE/COHABITANT	Dismissal: Negotiated Plea
-----	-----------------------------------------------------------------	----------------------------

---

01/02/2002 Disposition ▼

002	PC243(E)-MISD-BATTERY--FORMER SPOUSE, BOY/GIRL FRIEND, NON-COHABITANT	Dismissal: Negotiated Plea
-----	--------------------------------------------------------------------------	----------------------------

---

01/02/2002 Disposition ▼

003	PC236-MISD-FALSE IMPRISONMENT	Dismissal: Negotiated Plea
-----	-------------------------------	----------------------------

---

01/02/2002 Disposition ▼

004		Dismissal: Negotiated Plea
-----	--	----------------------------

PC273A(B)-ENDANGER-MISD-CRUELTY TO  
CHILD BY ENDANGERING HEALTH

01/02/2002 Disposition ▼

005

PC242-MISD-BATTERY

Pled Nolo Contendere

### Events and Hearings

<p>12/07/2001 Conversion Event ▼</p> <p>Comment FDCJR: AFFIDAVIT OF COSTS FOR CRIMINAL JUSTICE ADMINISTRATION FEE, RECEIVED.</p>
<p>12/07/2001 Conversion Event ▼</p> <p>Comment DVCOM: DOMESTIC VIOLENCE BASED COMPLAINT.</p>
<p>12/07/2001 Conversion Event ▼</p> <p>Comment BBBBP: \$25,000.00 BAIL BOND NUMBER AL25-742563 POSTED ON 11/03/2001 BY ALISTAR SURETY COMPANY ALADDIN BAIL BOND COMPANY FOR DEFENDANT APPEARANCE ON 12/11/2001 AT 9:00 A.M. .</p>
<p>12/10/2001 Conversion Event ▼</p> <p>Comment SHRES: CASE SHIFTED FROM HEARING ON 12/11/2001 AT 9:00 A.M. IN DEPARTMENT AR OF SUPERIOR COURT SOUTHERN BRANCH TO HEARING ON 12/11/2001 AT 9:00 A.M. IN DEPARTMENT 29 OF SUPERIOR COURT SOUTHERN BRANCH .</p>
<p>12/11/2001 Conversion Event ▼</p> <p>Comment HHELD: HEARING HELD ON 12/11/01 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH , D- 29 . HON. JOSEPH N GRUBER, COURT COMMISSIONER , PRESIDING. CLERK: IRENE GRAY . REPORTER: TRACY WOOD . CLERK2: URSULA HAWKINS . DEPUTY D.A. MAHONEY . DEFENSE COUNSEL PRESENT: NONE .</p>

<p>12/11/2001 Conversion Event ▼</p> <p>Comment HHADV: DOMESTIC VIOLENCE COMPLAINT ARRAIGNMENT</p>
<p>12/11/2001 Conversion Event ▼</p> <p>Comment FDSPT: STIPULATION RE: JUDGE PRO TEMPORE HEARING MATTER.</p>
<p>12/11/2001 Conversion Event ▼</p> <p>Comment APWOC: DEFENDANT APPEARED WITHOUT COUNSEL.</p>
<p>12/11/2001 Conversion Event ▼</p> <p>Comment RAACR: DEFENDANT ARRAIGNED AND ADVISED OF THE FOLLOWING RIGHTS: TO THE VARIOUS PLEAS AVAILABLE; TO A SPEEDY PUBLIC TRIAL FROM THE DATE OF ARRAIGNMENT, WITHIN 30 DAYS IF IN CUSTODY, WITHIN 45 DAYS IF NOT IN CUSTODY, OTHERWISE, THE MATTER MUST BE DISMISSED; TO THE AID OF THE COURT TO SUBPOENA AND PRODUCE WITNESSES ON OWN BEHALF, TO CONFRONT AND EXAMINE ADVERSE WITNESSES; TO A TRIAL BY JURY; IF CONVICTED, TO BE SENTENCED NOT SOONER THAN 6 HOURS NOR LATER THAN 5 DAYS OR WITHIN 20 COURT DAYS IF REFERRED TO PROBATION OFFICE; TO THE AID OF AN ATTORNEY AT ALL STAGES OF THE PROCEEDINGS; THAT THE COURT WILL APPOINT AN ATTORNEY IF DEFENDANT IS UNABLE TO EMPLOY OWN; TO A REASONABLE LENGTH OF TIME TO CONSULT AN ATTORNEY; DEFENDANT ADVISED, IF NOT A CITIZEN, THAT CONVICTION OF THE OFFENSE WITH WHICH HE HAS BEEN CHARGED MAY RESULT IN DEPORTATION, EXCLUSION OF ADMISSION TO THE UNITED STATES, OR DENIAL OF NATURALIZATION PURSUANT TO THE LAWS OF THE UNITED STATES.</p>
<p>12/11/2001 Conversion Event ▼</p> <p>Comment PAAPT: APPOINT PRIVATE DEFENDER. DEFENDANT ADVISED THAT UPON CONCLUSION OF THE CASE THE COURT MAY CONDUCT A HEARING TO DETERMINE THE DEFENDANT'S THEN ABILITY TO PAY FOR ALL OR ANY PART OF APPOINTED COUNSEL AND THAT DEFENDANT MAY BE ORDERED TO PAY ALL OR THAT PART OF SAID COSTS WITHIN DEFENDANT'S ABILITY TO PAY.</p>
<p>12/11/2001 Conversion Event ▼</p> <p>Comment ARWWE: FURTHER ARRAIGNMENT AND ADVISE OF RIGHTS WAIVED.</p>
<p>12/11/2001 Conversion Event ▼</p>

<p>Comment</p> <p>PDREF: THE COURT WILL MAKE A DETERMINATION OF YOUR ABILITY TO PAY ALL OR A PORTION OF THE COST OF THE ATTORNEY. IF THE COURT DETERMINES THAT YOU HAVE THE FINANCIAL ABILITY TO PAY ALL OR SOME OF THOSE COSTS, THE COURT WILL MAKE AN ORDER THAT YOU REIMBURSE THE COUNTY TO THE EXTENT AND IN THE MANNER THAT THE COURT FINDS REASONABLE . AN ORDER TO REIMBURSE THE COUNTY FOR COURT-APPOINTED COUNSEL FEES WILL HAVE THE SAME FORCE AND EFFECT AS A JUDGMENT IN A CIVIL ACTION AND SHALL BE SUBJECT TO EXECUTION. BEFORE THE COURT MAKES SUCH AN ORDER, YOU ARE ENTITLED TO REQUEST AND HAVE A HEARING ON THE QUESTION OF WHETHER OR NOT YOU HAVE THE FINANCIAL ABILITY TO PAY SOME OR ALL OF THE COURT-APPOINTED COUNSEL FEE. YOU HAVE THE RIGHT TO BE HEARD IN PERSON, PRESENT WITNESSES AND OTHER DOCUMENTARY EVIDENCE, TO CONFRONT AND CROSS EXAMINE ADVERSE WITNESSES, HAVE THE EVIDENCE AGAINST YOU DISCLOSED TO YOU AND A WRITTEN STATEMENT OF THE FINDINGS OF THE COURT. IF YOU DO NOT REQUEST SUCH A HEARING, YOU WILL BE GIVING UP YOUR RIGHT TO SUCH A HEARING. IF AN ATTORNEY IS APPOINTED TO REPRESENT YOU, YOU WILL BE ORDERED TO APPEAR TODAY BEFORE THE REVENUE SERVICES MANAGER FOR A DETERMINATION OF YOUR ABILITY TO PAY THE COST OF LEGAL ASSISTANCE PROVIDED. SHOULD YOU FAIL TO APPEAR BEFORE THE REVENUE SERVICES MANAGER TODAY AS ORDERED, S/HE WILL REPORT SUCH FAILURE AND RECOMMEND THAT THE COURT ORDER PAYMENT OF THE FULL COSTS.</p>
<p>12/11/2001 Conversion Event ▼</p> <p>Comment</p> <p>SECAG: DEFENDANT ORDERED TO REPORT TO REVENUE SERVICES TODAY PURSUANT TO PENAL CODE 987.81 TO DETERMINE ABILITY TO REIMBURSE COST OF COURT APPOINTED COUNSEL.</p>
<p>12/11/2001 Conversion Event ▼</p> <p>Comment</p> <p>PLEDA: DEFENDANT ENTERED A PLEA OF NOT GUILTY TO ALL COUNTS.</p>
<p>12/11/2001 Conversion Event ▼</p> <p>Comment</p> <p>WTIMJ: TIME WAIVED FOR JURY TRIAL.</p>
<p>12/11/2001 Conversion Event ▼</p> <p>Comment</p> <p>DVCOM: DOMESTIC VIOLENCE BASED COMPLAINT.</p>
<p>12/11/2001 Conversion Event ▼</p> <p>Comment</p> <p>SHOTA: CASE CONTINUED TO 01/02/2002 AT 1:29 P.M. IN REDWOOD CITY IN DEPT. DV FOR DOMESTIC VIOLENCE PRE-TRIAL .</p>

12/11/2001 Conversion Event ▼

Comment

SHOTA: CASE CONTINUED TO 02/04/2002 AT 9:00 A.M. IN REDWOOD CITY IN DEPT. JT FOR JURY TRIAL. .

12/11/2001 Conversion Event ▼

Comment

MIPPW: PROTECTIVE ORDER PENDING TRIAL. DEFENDANT SHALL HAVE PEACEFUL CONTACT WITH THE PROTECTED PERSONS NAME ABOVE FOR COURT-ORDERED VISITATION AS ORDERED IN PRIOR OR SUBSEQUENT FAMILY COURT AND JUVENILE COURT ORDERS AS AN EXEMPTION TO THE "NO CONTACT" AND "STAY AWAY" PROVISIONS OF THIS ORDER.

12/11/2001 Conversion Event ▼

Comment

MIPPA: PERSON TO BE RESTRAINED E [REDACTED] W [REDACTED]

12/11/2001 Conversion Event ▼

Comment

MIPPD: THIS PROCEEDING WAS HEARD ON 12/11/2001 AT 9:00 A.M. IN DEPT: 29 BY JUDICIAL OFFICER JNG

12/11/2001 Conversion Event ▼

Comment

MIPPE: DEFENDANT WAS PERSONALLY PRESENT AT THE COURT HEARING AND NO ADDITIONAL PROOF OF SERVICE OF THE RESTRAINING ORDER IS REQUIRED.

12/11/2001 Conversion Event ▼

Comment

MIPPF: GOOD CAUSE HEARING, THE COURT ORDERS THE ABOVE-NAMED DEFENDANT SHALL NOT ANNOY, HARASS, STRIKE, THREATEN, SEXUALLY ASSAULT, BATTER, STALK, DESTROY PERSONAL PROPERTY OF, OR OTHERWISE DISTURB THE PEACE OF THE PROTECTED PERSONS NAMED BELOW.

12/11/2001 Conversion Event ▼

Comment

MIPPG: GOOD CAUSE APPEARING, THE COURT ORDERS THE ABOVE-NAMED DEFENDANT SHALL NOT ATTEMPT TO OR ACTUALLY PREVENT OR DISSUADE ANY VICTIM OR WITNESS FROM ATTENDING A HEARING OR TESTIFYING OR MAKING A REPORT TO ANY LAW ENFORCEMENT AGENCY OR PERSON.

12/11/2001 Conversion Event ▼

Comment

MIPPI: GOOD CAUSE APPEARING, THE COURT ORDERS THE ABOVE-NAMED DEFENDANT MUST SURRENDER TO LOCAL LAW ENFORCEMENT OR SELL TO LICENSED GUN DEALER ANY FIREARM IN OR SUBJECT TO HIS OR HER IMMEDIATE POSSESSION OR CONTROL WITHIN 24 HOURS AFTER ISSUANCE OF THIS ORDER.

12/11/2001 Conversion Event ▼

Comment

MIPPM: GOOD CAUSE APPEARING, THE COURT ORDERS THE ABOVE-NAMED DEFENDANT SHALL HAVE NO PERSONAL, TELEPHONIC, OR WRITTEN CONTACT WITH THE PROTECTED PERSONS NAMED BELOW.

12/11/2001 Conversion Event ▼

Comment

MIPPO: GOOD CAUSE APPEARING, TH COURT ORDERS THE ABOVE-NAMED DEFENDANT SHALL HAVE NO CONTACT WITH THE PROTECTED PERSONS NAMED BELOW THROUGH A THIRD PARTY, EXCEPT AN ATTORNEY OF RECORD.

12/11/2001 Conversion Event ▼

Comment

MIPPP: GOOD CAUSE APPEARING, THE COURT ORDERS THE ABOVE-NAMED DEFENDANT SHALL NOT COME WITHIN 100 YARDS OF THE PROTECTED PERSONS NAMED BELOW.

12/11/2001 Conversion Event ▼

Comment

MIPPS: NAME OF PROTECTED PERSONS: CONFIDENTIAL

12/11/2001 Conversion Event ▼

Comment

OTHER: REGULAR VISITS WITH REGARD TO CHILD ONLY AS PRESCRIBED BY DOMESTIC RELATIONS DEPARTMENT

12/11/2001 Conversion Event ▼

Comment

MIPPV: IF NO DATE IS LISTED, THIS ORDER EXPIRES THREE YEARS FROM THE DATE OF ISSUANCE.

12/11/2001 Conversion Event ▼

Comment

MIENT: ENTERED BY U. HAWKINS ON 12/11/2001 .
<p>12/31/2001 Conversion Event ▼</p> <p>Comment SHRES: CASE SHIFTED FROM HEARING ON 01/02/2002 AT 1:29 P.M. IN DEPARTMENT DV OF SUPERIOR COURT SOUTHERN BRANCH TO HEARING ON 01/02/2002 AT 1:29 P.M. IN DEPARTMENT 3 OF SUPERIOR COURT SOUTHERN BRANCH .</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment HHELD: HEARING HELD ON 01/02/02 AT 1:29 P.M. IN SUPERIOR COURT SOUTHERN BRANCH , D- 3 . HON. BETH FREEMAN-SUPERIOR CT, JUDGE , PRESIDING. CLERK: KIM BRANSCUM . REPORTER: ELENA VARELA . CLERK2: SARAI MORENO . DEPUTY D.A. JOO . DEFENSE COUNSEL PRESENT: SCOTT .</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment HHPDV: DOMESTIC VIOLENCE PRE TRIAL</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment APWAT: DEFENDANT APPEARED WITH ATTORNEY SCOTT .</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment FDWOR: DEFENDANT IS ADVISED OF, UNDERSTANDS, AND KNOWINGLY AND VOLUNTARILY WAIVES ALL THE FOLLOWING RIGHTS: WAIVES THE RIGHT TO COUNSEL; TO TRIAL BY JURY; TO CONFRONT AND CROSS-EXAMINE ADVERSE WITNESSES; THE PRIVILEGE AGAINST SELF-INCRIMINATION. THE COURT FINDS THAT THE DEFENDANT UNDERSTANDS THE NATURE OF THE CHARGES, THE ELEMENTS OF THE OFFENSE, THE DEFENSE THERETO, THE CONSEQUENCES OF PLEAS AND THE RANGE OF PENALTIES THERETO. WAIVER OF RIGHTS SIGNED.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment AMCDF: COMPLAINT AMENDED ORALLY.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment AMABC: COMPLAINT AMENDED TO ADD COUNT 5 : MISDEMEANOR, VIOLATION OF PC 242 , ON MOTION OF THE PROSECUTION.</p>

<p>01/02/2002 Conversion Event ▼</p> <p>Comment PLPLF: DEFENDANT ENTERED A PLEA OF NOLO CONTENDERE TO COUNT 5 IN AMENDED COMPLAINT.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment CDFRC: UPON MOTION OF THE PEOPLE ALL REMAINING COUNTS DISMISSED. REASON: NEGOTIATED PLEA.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment WTSTB: TIME WAIVED FOR SENTENCING.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment ARWFS: DEFENDANT WAIVES FORMAL ARRAIGNMENT FOR SENTENCING.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment DVCOM: DOMESTIC VIOLENCE BASED COMPLAINT.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment SHOTA: CASE CONTINUED TO 01/16/2002 AT 9:00 A.M. IN REDWOOD CITY IN DEPT. DV FOR PROOF OF ENROLLMENT .</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment MIVJT: JURY TRIAL SET ON 02/04/2002 AT 9:00 A.M. ORDERED VACATED.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment SESCC: COUNT 5 IMPOSITION OF SENTENCE SUSPENDED. DEFENDANT IS PLACED ON SUPERVISED PROBATION FOR 0 YEARS; 18 MONTHS; 0 DAYS. FOLLOWED BY COURT PROBATION FOR 0 YEARS; 18 MONTHS; 0 DAYS FOR A TOTAL OF 3 YEARS; 0 MONTHS; 0 DAYS.</p>
<p>01/02/2002 Conversion Event ▼</p>

<p>Comment SECJL: AS TO COUNT 5 , DEFENDANT TO SERVE 0 YEAR(S), 0 MONTH(S), 10 DAY(S), 0 HOUR(S) IN THE COUNTY JAIL.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment SECTS: CREDIT FOR TIME SERVED OF 2 DAYS PLUS 0 DAYS GOOD AND WORK TIME FOR A TOTAL OF 2 DAYS.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment SENAF: COUNT 5 TO BE SERVED CONSECUTIVE TO ANY OTHER CASE OF DEFENDANT.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment SESEJ: DEFENDANT TO SURRENDER TO COUNTY JAIL ON 02/16/2002 AT 10:00 A.M. .</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment SESWP: DEFENDANT IS RECOMMENDED TO THE SHERIFF'S WORK PROGRAM.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment SERET: DEFENDANT ORDERED TO PAY \$110.00 TO STATE RESTITUTION FUND. THIS PAYMENT IS A CONDITION OF PROBATION</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment SEFEA: CRIMINAL JUSTICE ADMINISTRATION FEE OF \$178.00 ORDERED PAID TO EPA PD .</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment SEPRO: DEFENDANT TO PAY FINE AND ASSESSMENTS THROUGH PROBATION DEPARTMENT.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment SEOAL: OBEY ALL LAWS. FOLLOW ALL ORDERS OF THE COURT/PROBATION OFFICER AND REPORT AS DIRECTED. NOTIFY THE COURT/ PROBATION OFFICER IMMEDIATELY OF ANY CHANGE OF RESIDENCE ADDRESS.</p>

<p>01/02/2002 Conversion Event ▼</p> <p>Comment SESIA: DEFENDANT TO SUBMIT PERSON / VEHICLE / PLACE OF RESIDENCE TO SEARCH AND SEIZURE AT ANY TIME OF DAY OR NIGHT, BY ANY LAW ENFORCEMENT OFFICER, WITH OR WITHOUT A WARRANT AND WITH OR WITHOUT PROBABLE CAUSE.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment SEFAM: DEFENDANT IS NOT TO OWN OR HAVE POSSESSION, CUSTODY OR CONTROL OF ANY FIREARM OR AMMUNITION.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment SENFA: DEFENDANT NOT TO OWN OR HAVE POSSESSION, CUSTODY OR CONTROL OF ANY WEAPON.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment SERPR: REPORT TO THE PROBATION DEPARTMENT WITHIN 3 DAYS OF SENTENCING.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment SEFDV: DEFENDANT TO PAY A \$100.00 FINE TO A BATTERED WOMEN'S SHELTER.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment SEDVF: DEFENDANT TO PAY \$200.00 TO THE DOMESTIC VIOLENCE FUND.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment SECDV: COMPLETE AT LEAST 104 HOURS OF DOMESTIC VIOLENCE COUNSELING WITHIN 12 MONTHS, ENROLL AND SHOW PROOF OF ENROLLMENT TO THE COURT/PROBATION DEPARTMENT WITHIN 14 DAYS.</p>
<p>01/02/2002 Conversion Event ▼</p>

<p>Comment</p> <p>MIPPF: GOOD CAUSE HEARING, THE COURT ORDERS THE ABOVE-NAMED DEFENDANT SHALL NOT ANNOY, HARASS, STRIKE, THREATEN, SEXUALLY ASSAULT, BATTER, STALK, DESTROY PERSONAL PROPERTY OF, OR OTHERWISE DISTURB THE PEACE OF THE PROTECTED PERSONS NAMED BELOW.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment</p> <p>SESUF: DEFENDANT TO PAY A SUPERVISED PROBATION FEE IN THE AMOUNT NOT TO EXCEED \$180.00 , PURSUANT TO PC 1203.1B, PAYABLE THROUGH THE PROBATION DEPARTMENT.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment</p> <p>CSORI: MAKE ALL APPEARANCES/APPOINTMENTS AS DIRECTED.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment</p> <p>DVECO: DEFENDANT ORDERED TO ENROLL IN DOMESTIC VIOLENCE COUNSELING WITHIN 13 DAYS.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment</p> <p>SEEMO: DEFENDANT TO PARTICIPATE IN ANY EDUCATION, REHABILITATION OR TREATMENT PROGRAM AS DIRECTED BY PROBATION OFFICER.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment</p> <p>SEACP: DEFENDANT ACCEPTED TERMS AND CONDITIONS OF PROBATION.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment</p> <p>MIASE: ALL SENTENCE ELEMENTS FOR THIS PROCEEDING ENTERED.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment</p> <p>MIPPA: PERSON TO BE RESTRAINED E [REDACTED] W [REDACTED]</p>
<p>01/02/2002 Conversion Event ▼</p>

<p>Comment</p> <p>MIPPD: THIS PROCEEDING WAS HEARD ON 01/02/2002 AT 1:29 P.M. IN DEPT: 3 BY JUDICIAL OFFICER JUDGE FREEMAN</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment</p> <p>MIPPE: DEFENDANT WAS PERSONALLY PRESENT AT THE COURT HEARING AND NO ADDITIONAL PROOF OF SERVICE OF THE RESTRAINING ORDER IS REQUIRED.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment</p> <p>MIPPF: GOOD CAUSE HEARING, THE COURT ORDERS THE ABOVE-NAMED DEFENDANT SHALL NOT ANNOY, HARASS, STRIKE, THREATEN, SEXUALLY ASSAULT, BATTER, STALK, DESTROY PERSONAL PROPERTY OF, OR OTHERWISE DISTURB THE PEACE OF THE PROTECTED PERSONS NAMED BELOW.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment</p> <p>MIPPG: GOOD CAUSE APPEARING, THE COURT ORDERS THE ABOVE-NAMED DEFENDANT SHALL NOT ATTEMPT TO OR ACTUALLY PREVENT OR DISSUADE ANY VICTUM OR WITNESS FROM ATTENDING A HEARING OR TESTIFYING OR MAKING A REPORT TO ANY LAW ENFORCEMENT AGENCY OR PERSON.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment</p> <p>MIPPI: GOOD CAUSE APPEARING, THE COURT ORDERS THE ABOVE-NAMED DEFENDANT MUST SURRENDER TO LOCAL LAW ENFORCEMENT OR SELL TO LICENSED GUN DEALER ANY FIREARM IN OR SUBJECT TO HIS OR HER IMMEDIATE POSSESSION OR CONTROL WITHIN 24 HOURS AFTER ISSUANCE OF THIS ORDER.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment</p> <p>MIPPM: GOOD CAUSE APPEARING, THE COURT ORDERS THE ABOVE-NAMED DEFENDANT SHALL HAVE NO PERSONAL, TELEPHONIC, OR WRITTEN CONTACT WITH THE PROTECTED PERSONS NAMED BELOW.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment</p> <p>MIPPO: GOOD CAUSE APPEARING, TH COURT ORDERS THE ABOVE-NAMED DEFENDANT SHALL HAVE NO CONTACT WITH THE PROTECTED PERSONS NAMED BELOW THROUGH A THIRD PARTY, EXCEPT AN ATTORNEY OF RECORD.</p>

<p>01/02/2002 Conversion Event ▼</p> <p>Comment MIPPP: GOOD CAUSE APPEARING, THE COURT ORDERS THE ABOVE-NAMED DEFENDANT SHALL NOT COME WITHIN 100 YARDS OF THE PROTECTED PERSONS NAMED BELOW.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment MIPPR: THE PROTECTED PERSON MAY RECORD ANY PROHIBITED COMMUNICATIONS MADE TO HIM OR HER BY THE RESTRAINED PERSON.</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment MIPPS: NAME OF PROTECTED PERSONS: RICHELLE NIQ, BABY DOE</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment MIPPU: THE ORDER EXPIRES ON 01/02/2005</p>
<p>01/02/2002 Conversion Event ▼</p> <p>Comment MIENT: ENTERED BY S.MORENO ON 01/02/2002 .</p>
<p>01/10/2002 Conversion Event ▼</p> <p>Comment BBEXD: BAIL BOND NUMBER AL25-742563 FOR \$25,000.00 EXONERATED.</p>
<p>01/15/2002 Conversion Event ▼</p> <p>Comment SHRES: CASE SHIFTED FROM HEARING ON 01/16/2002 AT 9:00 A.M. IN DEPARTMENT DV OF SUPERIOR COURT SOUTHERN BRANCH TO HEARING ON 01/16/2002 AT 9:00 A.M. IN DEPARTMENT 3 OF SUPERIOR COURT SOUTHERN BRANCH .</p>
<p>01/16/2002 Conversion Event ▼</p> <p>Comment HHELD: HEARING HELD ON 01/16/02 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH , D- 3 . HON. BETH FREEMAN-SUPERIOR CT, JUDGE , PRESIDING. CLERK: JANICE ANTONINI . REPORTER: CHRIS PEREZ . CLERK2: SARAI MORENO . DEPUTY D.A. TIPTON . DEFENSE COUNSEL PRESENT: NONE .</p>

01/16/2002 Conversion Event ▼  Comment HHPOE: PROOF OF ENROLLMENT
01/16/2002 Conversion Event ▼  Comment APWOC: DEFENDANT APPEARED WITHOUT COUNSEL.
01/16/2002 Conversion Event ▼  Comment APPRO: PROBATION OFFICER ARMIJO PRESENT IN COURT.
01/16/2002 Conversion Event ▼  Comment SHOTA: CASE CONTINUED TO 01/23/2002 AT 9:00 A.M. IN REDWOOD CITY IN DEPT. DV FOR PROOF OF ENROLLMENT .
01/16/2002 Conversion Event ▼  Comment MIENT: ENTERED BY S.MORENO ON 01/16/2002 .
01/17/2002 Conversion Event ▼  Comment FDCII: CII FORWARDED TO ARRESTING AGENCY.
01/17/2002 Conversion Event ▼  Comment SECJF: CERTIFICATION OF JUDGEMENT FOR CRIMINAL JUSTICE ADMINISTRATION FEE SIGNED AND ISSUED.
01/22/2002 Conversion Event ▼  Comment SHRES: CASE SHIFTED FROM HEARING ON 01/23/2002 AT 9:00 A.M. IN DEPARTMENT DV OF SUPERIOR COURT SOUTHERN BRANCH TO HEARING ON 01/23/2002 AT 9:00 A.M. IN DEPARTMENT 3 OF SUPERIOR COURT SOUTHERN BRANCH .
01/23/2002 Conversion Event ▼

<p>Comment HHELD: HEARING HELD ON 01/23/02 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH , D- 3 . HON. BETH FREEMAN-LABSON, JUDGE , PRESIDING. CLERK: JANICE ANTONINI . REPORTER: ELENA VARELA . CLERK2: SANDY HARRIS . DEPUTY D.A. TIPTON . DEFENSE COUNSEL PRESENT: NONE .</p>
<p>01/23/2002 Conversion Event ▼</p> <p>Comment HHPOE: PROOF OF ENROLLMENT</p>
<p>01/23/2002 Conversion Event ▼</p> <p>Comment APWOC: DEFENDANT APPEARED WITHOUT COUNSEL.</p>
<p>01/23/2002 Conversion Event ▼</p> <p>Comment APPRO: PROBATION OFFICER ARMIJO PRESENT IN COURT.</p>
<p>01/23/2002 Conversion Event ▼</p> <p>Comment DVCOM: DOMESTIC VIOLENCE BASED COMPLAINT.</p>
<p>01/23/2002 Conversion Event ▼</p> <p>Comment DVPRR: PROGRESS REPORT RECEIVED.</p>
<p>01/23/2002 Conversion Event ▼</p> <p>Comment DVPOE: DEFENDANT SHOWED PROOF OF ENROLLMENT IN DOMESTIC VIOLENCE BATTERERS'TREATMENT PROGRAM.</p>
<p>01/23/2002 Conversion Event ▼</p> <p>Comment SHOTA: CASE CONTINUED TO 02/27/2002 AT 9:00 A.M. IN REDWOOD CITY IN DEPT. DV FOR PROGRESS REPORT .</p>
<p>01/23/2002 Conversion Event ▼</p> <p>Comment MIENT: ENTERED BY S.HARRIS ON 02/27/2002 .</p>

<p>02/26/2002 Conversion Event ▼</p> <p>Comment SHRES: CASE SHIFTED FROM HEARING ON 02/27/2002 AT 9:00 A.M. IN DEPARTMENT DV OF SUPERIOR COURT SOUTHERN BRANCH TO HEARING ON 02/27/2002 AT 9:00 A.M. IN DEPARTMENT 3 OF SUPERIOR COURT SOUTHERN BRANCH .</p>
<p>02/27/2002 Conversion Event ▼</p> <p>Comment HHELD: HEARING HELD ON 02/27/02 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH , D- 3 . HON. BETH FREEMAN-LABSON, JUDGE , PRESIDING. CLERK: JANICE ANTONINI . REPORTER: CHRIS PEREZ . CLERK2: GINA POTTER . DEPUTY D.A. ELAINE TIPTON . DEFENSE COUNSEL PRESENT: SCOTT .</p>
<p>02/27/2002 Conversion Event ▼</p> <p>Comment HHPRT: PROGRESS REPORT</p>
<p>02/27/2002 Conversion Event ▼</p> <p>Comment APWOC: DEFENDANT APPEARED WITHOUT COUNSEL.</p>
<p>02/27/2002 Conversion Event ▼</p> <p>Comment DVCOM: DOMESTIC VIOLENCE BASED COMPLAINT.</p>
<p>02/27/2002 Conversion Event ▼</p> <p>Comment DVPRR: PROGRESS REPORT RECEIVED.</p>
<p>02/27/2002 Conversion Event ▼</p> <p>Comment SHOTA: CASE CONTINUED TO 05/29/2002 AT 9:00 A.M. IN REDWOOD CITY IN DEPT. DV FOR PROGRESS REPORT .</p>
<p>02/27/2002 Conversion Event ▼</p> <p>Comment MIENT: ENTERED BY GPOTTER ON 02/27/2002 .</p>
<p>05/28/2002 Conversion Event ▼</p>

<p>Comment SHRES: CASE SHIFTED FROM HEARING ON 05/29/2002 AT 9:00 A.M. IN DEPARTMENT DV OF SUPERIOR COURT SOUTHERN BRANCH TO HEARING ON 05/29/2002 AT 9:00 A.M. IN DEPARTMENT 3 OF SUPERIOR COURT SOUTHERN BRANCH .</p>
<p>05/29/2002 Conversion Event ▼</p> <p>Comment HHELD: HEARING HELD ON 05/29/02 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH , D- 3 . HON. BETH LABSON FREEMAN, JUDGE , PRESIDING. CLERK: JAN ANTONINI . REPORTER: ELENA R VARELA . CLERK2: DINA LEWIS . DEPUTY D.A. HOLT . DEFENSE COUNSEL PRESENT: NONE .</p>
<p>05/29/2002 Conversion Event ▼</p> <p>Comment HHPR: PROGRESS REPORT</p>
<p>05/29/2002 Conversion Event ▼</p> <p>Comment APWOC: DEFENDANT APPEARED WITHOUT COUNSEL.</p>
<p>05/29/2002 Conversion Event ▼</p> <p>Comment DVCOM: DOMESTIC VIOLENCE BASED COMPLAINT.</p>
<p>05/29/2002 Conversion Event ▼</p> <p>Comment DVPRR: PROGRESS REPORT RECEIVED.</p>
<p>05/29/2002 Conversion Event ▼</p> <p>Comment SHOTA: CASE CONTINUED TO 08/28/2002 AT 9:00 A.M. IN REDWOOD CITY IN DEPT. DV FOR PROGRESS REPORT .</p>
<p>05/29/2002 Conversion Event ▼</p> <p>Comment MIENT: ENTERED BY DLEWIS ON 05/29/2002 .</p>
<p>06/04/2002 Conversion Event ▼</p> <p>Comment MISEN: FILE SENT TO JUDGE BERGERON FOR 987</p>

<p>06/12/2002 Conversion Event ▼</p> <p>Comment MIRFL: FILE RETURNED TO CLERK'S OFFICE.</p>
<p>06/12/2002 Conversion Event ▼</p> <p>Comment FDPJA: PETITION AND JUDGEMENT, APPOINTED ATTORNEY FEES PURSUANT TO PC 987.8/987.81 FILED.</p>
<p>06/12/2002 Conversion Event ▼</p> <p>Comment FDJCA: GOOD CAUSE APPEARING, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT PLAINTIFF, COUNTY OF SAN MATEO, HAVE JUDGMENT AGAINST DEFENDANT HEREIN IN THE SUM OF \$363.00 .</p>
<p>08/27/2002 Conversion Event ▼</p> <p>Comment SHRES: CASE SHIFTED FROM HEARING ON 08/28/2002 AT 9:00 A.M. IN DEPARTMENT DV OF SUPERIOR COURT SOUTHERN BRANCH TO HEARING ON 08/28/2002 AT 9:00 A.M. IN DEPARTMENT 3 OF SUPERIOR COURT SOUTHERN BRANCH .</p>
<p>08/28/2002 Conversion Event ▼</p> <p>Comment HHELD: HEARING HELD ON 08/28/02 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH , D- 3 . HON. BETH FREEMAN, JUDGE , PRESIDING. CLERK: KIM POUNDS . REPORTER: CHRIS PEREZ . CLERK2: DINA LEWIS . DEPUTY D.A. TIPTON . DEFENSE COUNSEL PRESENT: NONE .</p>
<p>08/28/2002 Conversion Event ▼</p> <p>Comment HHPRT: PROGRESS REPORT</p>
<p>08/28/2002 Conversion Event ▼</p> <p>Comment APWOC: DEFENDANT APPEARED WITHOUT COUNSEL.</p>
<p>08/28/2002 Conversion Event ▼</p> <p>Comment DVCOM: DOMESTIC VIOLENCE BASED COMPLAINT.</p>

<p>08/28/2002 Conversion Event ▼</p> <p>Comment DVPRR: PROGRESS REPORT RECEIVED.</p>
<p>08/28/2002 Conversion Event ▼</p> <p>Comment SHOTA: CASE CONTINUED TO 12/18/2002 AT 9:00 A.M. IN REDWOOD CITY IN DEPT. DV FOR PROGRESS REPORT .</p>
<p>08/28/2002 Conversion Event ▼</p> <p>Comment MIENT: ENTERED BY DLEWIS ON 08/28/2002 .</p>
<p>12/17/2002 Conversion Event ▼</p> <p>Comment SHRES: CASE SHIFTED FROM HEARING ON 12/18/2002 AT 9:00 A.M. IN DEPARTMENT DV OF SUPERIOR COURT SOUTHERN BRANCH TO HEARING ON 12/18/2002 AT 9:00 A.M. IN DEPARTMENT 3 OF SUPERIOR COURT SOUTHERN BRANCH .</p>
<p>12/18/2002 Conversion Event ▼</p> <p>Comment HHELD: HEARING HELD ON 12/18/02 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH , D- 3 . HON. BETH FREEMAN, JUDGE , PRESIDING. CLERK: JAN ANTONINI . REPORTER: ELENA VARELA . CLERK2: KETA WILLIAMS . DEPUTY D.A. MAZZEI . DEFENSE COUNSEL PRESENT: NONE .</p>
<p>12/18/2002 Conversion Event ▼</p> <p>Comment HHPRT: PROGRESS REPORT</p>
<p>12/18/2002 Conversion Event ▼</p> <p>Comment APWOC: DEFENDANT APPEARED WITHOUT COUNSEL.</p>
<p>12/18/2002 Conversion Event ▼</p> <p>Comment DVCOM: DOMESTIC VIOLENCE BASED COMPLAINT.</p>

12/18/2002 Conversion Event ▼  Comment DVPRR: PROGRESS REPORT RECEIVED.
12/18/2002 Conversion Event ▼  Comment SHOTA: CASE CONTINUED TO 03/19/2003 AT 9:00 A.M. IN REDWOOD CITY IN DEPT. DV FOR PROGRESS REPORT .
12/18/2002 Conversion Event ▼  Comment MIENT: ENTERED BY KETAW ON 12/18/2002 .
03/18/2003 Conversion Event ▼  Comment SHRES: CASE SHIFTED FROM HEARING ON 03/19/2003 AT 9:00 A.M. IN DEPARTMENT DV OF SUPERIOR COURT SOUTHERN BRANCH TO HEARING ON 03/19/2003 AT 9:00 A.M. IN DEPARTMENT 7 OF SUPERIOR COURT SOUTHERN BRANCH .
03/19/2003 Conversion Event ▼  Comment HHELD: HEARING HELD ON 03/19/03 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH , D- 7 . HON. STEVE L DYLLINA, JUDGE , PRESIDING. CLERK: KETA WILLIAMS . REPORTER: DONNA LOWE . CLERK2: ALMA CASTILLO . DEPUTY D.A. MAZZEI . DEFENSE COUNSEL PRESENT: NONE .
03/19/2003 Conversion Event ▼  Comment HHPRT: PROGRESS REPORT
03/19/2003 Conversion Event ▼  Comment APWOC: DEFENDANT APPEARED WITHOUT COUNSEL.
03/19/2003 Conversion Event ▼  Comment PROBE: PROBATION IS MODIFIED.
03/19/2003 Conversion Event ▼

<p>Comment</p> <p>PROBS: SUPERVISED PROBATION IS CONVERTED TO COURT PROBATION.</p>
<p>03/19/2003 Conversion Event ▼</p> <p>Comment</p> <p>SEACP: DEFENDANT ACCEPTED TERMS AND CONDITIONS OF PROBATION.</p>
<p>03/19/2003 Conversion Event ▼</p> <p>Comment</p> <p>MIENT: ENTERED BY KETAW ON 03/19/2003 .</p>
<p>10/11/2005 Conversion Event ▼</p> <p>Comment</p> <p>MIPPB: PARTIAL PAYMENT THROUGH REVENUE SERVICES OF \$110.00 REMAINING BALANCE IS \$.00 .</p>
<p>10/11/2005 Conversion Event ▼</p> <p>Comment</p> <p>MIPPB: PARTIAL PAYMENT THROUGH REVENUE SERVICES OF \$133.34 REMAINING BALANCE IS \$.00 .</p>
<p>10/11/2005 Conversion Event ▼</p> <p>Comment</p> <p>MIPRF: RESTITUTION PAID IN FULL THROUGH REVENUE SERVICES.</p>
<p>10/11/2005 Conversion Event ▼</p> <p>Comment</p> <p>OTHER: PAID \$133.34 BAL OF DOMESTIC VIOLENCE FUND THRU R/S</p>

## Financial

No financial information exists for this case.

## Dave Harris

---

**From:** Craig Grogan  
**Sent:** Thursday, October 22, 2020 2:41 PM  
**To:** Dave Harris; Birgit Fladager  
**Subject:** FW: Informal Copy of Odyssey (Court) Case from 2001/ E [REDACTED] W [REDACTED]  
**Attachments:** E [REDACTED] W [REDACTED].pdf

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**From:** [REDACTED] <[REDACTED]>  
**Sent:** Thursday, October 22, 2020 2:35 PM  
**To:** Craig Grogan <[REDACTED]>  
**Subject:** RE: Informal Copy of Odyssey (Court) Case from 2001/ E [REDACTED] W [REDACTED]

Hi Craig,

The Court Clerk provided us with the only thing they have on the E [REDACTED] W [REDACTED] case from 2001. The attached 15 page Case Summary (similar to what I sent you yesterday), comes directly from the Court. They do not have the criminal complaint, any other minute order or plea, and they do not have the East Palo Alto Police report in support of the arrest and charging. All of this is simply based upon the age of the case.

I'm happy to help you with anything else you need. Please let me know what that may be.

Thanks, Craig.

[REDACTED]

---

**From:** Craig Grogan <[REDACTED]>  
**Sent:** Thursday, October 22, 2020 9:27 AM  
**To:** [REDACTED] <[REDACTED]>  
**Subject:** Re: Informal Copy of Odyssey (Court) Case from 2001/ E [REDACTED] W [REDACTED]

**CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.**

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Thank you

Sent via the Samsung Galaxy S9, an AT&T 5G Evolution capable smartphone  
Get [Outlook for Android](#)

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**From:** [REDACTED] <[REDACTED]>  
**Sent:** Thursday, October 22, 2020 7:56:28 AM  
**To:** Craig Grogan <[REDACTED]>  
**Subject:** RE: Informal Copy of Odyssey (Court) Case from 2001/ E [REDACTED] W [REDACTED]

I confirmed with East Palo Alto PD this morning that all of the 2001/ 2002 police reports, including the DV report where W [REDACTED] was arrested have in fact all been purged. They checked all of their systems, as well as archives. I have put a

request in for the criminal complaint, plea minute order, and the police report if it still exists in the court file. I'll be back in touch. Please don't hesitate to let me know if you need anything else, Craig.

Thanks.

■

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**From:** Craig Grogan <[REDACTED]>  
**Sent:** Wednesday, October 21, 2020 5:30 PM  
**To:** [REDACTED] <[REDACTED]>  
**Subject:** RE: Informal Copy of Odyssey (Court) Case from 2001/ Eddie Whiteside

**CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.**

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Got it thank you

---

**From:** [REDACTED] <[REDACTED]>  
**Sent:** Wednesday, October 21, 2020 4:58 PM  
**To:** Craig Grogan <[REDACTED]>  
**Subject:** Informal Copy of Odyssey (Court) Case from 2001/ E [REDACTED] W [REDACTED]

Craig,

Attached is an informal copy of the 2001 case against E [REDACTED] W [REDACTED] that we have been discussing. This is from our court/ Odyssey system. There are no documents in our internal PBK or Court Odyssey system, due to the age of this case. As we discussed, EPA PD's original report also has likely been purged by that agency, like the other 2001/ 2002 reports. I have not checked that yet.

I will work with our staff to get a complete copy of the criminal complaint, plea, minute order, etc. ordered for this case. Since they will have to get it through our Court Clerk's Office, I'm not sure how quickly we can make that happen with Covid considerations, but we will ask that it be expedited. For now, I figured this informal copy might at least help.

Thank you.

[REDACTED]  
[REDACTED]  
San Mateo County District Attorney's Office  
400 County Center, 3<sup>rd</sup> Floor  
Redwood City, CA 94063  
[REDACTED] Direct  
[REDACTED]



CRIMINAL  
**CASE SUMMARY**  
CASE NO. [REDACTED]

The People of the State of California  
vs.  
E [REDACTED] W [REDACTED]

Location: **Criminal**  
Filed on: **12/07/2001**  
District Attorney Number: [REDACTED]  
DMV Docket Number: [REDACTED]

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CASE INFORMATION

Offense	Statute	Deg	Date	Case Type: Complaint
Jurisdiction: East Palo Alto				
001. PC273.5(A)-MISD-INFLICT CORPORAL INJURY ON SPOUSE/COHABITANT Charge #: 001 ACN: Unknown Arrest: 11/02/2001 EPAPD - East Palo Alto Police Department	273.5(A)	M	11/02/2001	
002. PC243(E)-MISD-BATTERY--FORMER SPOUSE, BOY/GIRL FRIEND, NON-COHABITANT Charge #: 002 ACN: Unknown Arrest: 11/02/2001 EPAPD - East Palo Alto Police Department	243(E)	M	11/02/2001	
003. PC236-MISD-FALSE IMPRISONMENT Charge #: 003 ACN: Unknown Arrest: 11/02/2001 EPAPD - East Palo Alto Police Department	236	M	11/02/2001	
004. PC273A(B)-ENDANGER-MISD-CRUELTY TO CHILD BY ENDANGERING HEALTH Charge #: 004 ACN: Unknown Arrest: 11/02/2001 EPAPD - East Palo Alto Police Department	273A(B)-ENDANGER	M	11/02/2001	
005. PC242-MISD-BATTERY Charge #: 005 ACN: Unknown Arrest: 11/02/2001 EPAPD - East Palo Alto Police Department	242	M	11/02/2001	

DATE

CASE ASSIGNMENT

**Current Case Assignment**

Case Number [REDACTED]  
Court Criminal  
Date Assigned 12/07/2001

PARTY INFORMATION

**Plaintiff** The People of the State of California  
**Defendant** W [REDACTED], E [REDACTED]

DATE	EVENTS & ORDERS OF THE COURT	INDEX
10/11/2005	Conversion Event OTHER: PAID \$133.34 BAL OF DOMESTIC VIOLENCE FUND THRU R/S	
10/11/2005	Conversion Event MIPRF: RESTITUTION PAID IN FULL THROUGH REVENUE SERVICES.	

CRIMINAL  
**CASE SUMMARY**  
CASE NO. [REDACTED]

10/11/2005 Conversion Event  
*MIPPB:*  
*PARTIAL PAYMENT THROUGH REVENUE SERVICES OF \$133.34 REMAINING  
BALANCE IS \$.00 .*

10/11/2005 Conversion Event  
*MIPPB:*  
*PARTIAL PAYMENT THROUGH REVENUE SERVICES OF \$110.00 REMAINING  
BALANCE IS \$.00 .*

03/19/2003 Conversion Event  
*MIENT:*  
*ENTERED BY KETAW ON 03/19/2003 .*

03/19/2003 Conversion Event  
*SEACP:*  
*DEFENDANT ACCEPTED TERMS AND CONDITIONS OF PROBATION.*

03/19/2003 Conversion Event  
*PROBS:*  
*SUPERVISED PROBATION IS CONVERTED TO COURT PROBATION.*

03/19/2003 Conversion Event  
*PROBE:*  
*PROBATION IS MODIFIED.*

03/19/2003 Conversion Event  
*APWOC:*  
*DEFENDANT APPEARED WITHOUT COUNSEL.*

03/19/2003 Conversion Event  
*HHPRT:*  
*PROGRESS REPORT*

03/19/2003 Conversion Event  
*HHELD:*  
*HEARING HELD ON 03/19/03 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH ,  
D- 7 . HON. STEVE L DYLINE, JUDGE, PRESIDING. CLERK: KETA WILLIAMS .  
REPORTER: DONNA LOWE . CLERK2: ALMA CASTILLO . DEPUTY D.A. MAZZEI .  
DEFENSE COUNSEL PRESENT: NONE .*

03/18/2003 Conversion Event  
*SHRES:*  
*CASE SHIFTED FROM HEARING ON 03/19/2003 AT 9:00 A.M. IN DEPARTMENT DV OF  
SUPERIOR COURT SOUTHERN BRANCH TO HEARING ON 03/19/2003 AT 9:00 A.M. IN  
DEPARTMENT 7 OF SUPERIOR COURT SOUTHERN BRANCH .*

12/18/2002 Conversion Event  
*MIENT:*  
*ENTERED BY KETAW ON 12/18/2002 .*

12/18/2002 Conversion Event  
*SHOTA:*  
*CASE CONTINUED TO 03/19/2003 AT 9:00 A.M. IN REDWOOD CITY IN DEPT. DV FOR  
PROGRESS REPORT .*

12/18/2002 Conversion Event  
*DVPRR:*  
*PROGRESS REPORT RECEIVED.*

12/18/2002 Conversion Event  
*DVCOM:*  
*DOMESTIC VIOLENCE BASED COMPLAINT.*

CRIMINAL  
**CASE SUMMARY**  
CASE NO. [REDACTED]

12/18/2002	Conversion Event <i>APWOC:</i> <i>DEFENDANT APPEARED WITHOUT COUNSEL.</i>
12/18/2002	Conversion Event <i>HHPRT:</i> <i>PROGRESS REPORT</i>
12/18/2002	Conversion Event <i>HHELD:</i> <i>HEARING HELD ON 12/18/02 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH ,</i> <i>D- 3 . HON. BETH FREEMAN, JUDGE , PRESIDING. CLERK: JAN ANTONINI .</i> <i>REPORTER: ELENA VARELA . CLERK2: KETA WILLIAMS . DEPUTY D.A. MAZZEI .</i> <i>DEFENSE COUNSEL PRESENT: NONE .</i>
12/17/2002	Conversion Event <i>SHRES:</i> <i>CASE SHIFTED FROM HEARING ON 12/18/2002 AT 9:00 A.M. IN DEPARTMENT DV OF</i> <i>SUPERIOR COURT SOUTHERN BRANCH TO HEARING ON 12/18/2002 AT 9:00 A.M. IN</i> <i>DEPARTMENT 3 OF SUPERIOR COURT SOUTHERN BRANCH .</i>
08/28/2002	Conversion Event <i>MIENT:</i> <i>ENTERED BY DLEWIS ON 08/28/2002 .</i>
08/28/2002	Conversion Event <i>SHOTA:</i> <i>CASE CONTINUED TO 12/18/2002 AT 9:00 A.M. IN REDWOOD CITY IN DEPT. DV FOR</i> <i>PROGRESS REPORT .</i>
08/28/2002	Conversion Event <i>DVPRR:</i> <i>PROGRESS REPORT RECEIVED.</i>
08/28/2002	Conversion Event <i>DVCOM:</i> <i>DOMESTIC VIOLENCE BASED COMPLAINT.</i>
08/28/2002	Conversion Event <i>APWOC:</i> <i>DEFENDANT APPEARED WITHOUT COUNSEL.</i>
08/28/2002	Conversion Event <i>HHPRT:</i> <i>PROGRESS REPORT</i>
08/28/2002	Conversion Event <i>HHELD:</i> <i>HEARING HELD ON 08/28/02 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH ,</i> <i>D- 3 . HON. BETH FREEMAN, JUDGE , PRESIDING. CLERK: KIM POUNDS .</i> <i>REPORTER: CHRIS PEREZ . CLERK2: DINA LEWIS . DEPUTY D.A. TIPTON . DEFENSE</i> <i>COUNSEL PRESENT: NONE .</i>
08/27/2002	Conversion Event <i>SHRES:</i> <i>CASE SHIFTED FROM HEARING ON 08/28/2002 AT 9:00 A.M. IN DEPARTMENT DV OF</i> <i>SUPERIOR COURT SOUTHERN BRANCH TO HEARING ON 08/28/2002 AT 9:00 A.M. IN</i> <i>DEPARTMENT 3 OF SUPERIOR COURT SOUTHERN BRANCH .</i>
06/12/2002	Conversion Event <i>FDJCA:</i> <i>GOOD CAUSE APPEARING, IT IS HEREBY ORDERED, ADJUDGED AND DECREED</i>

CRIMINAL  
**CASE SUMMARY**  
CASE NO. [REDACTED]

THAT PLAINTIFF, COUNTY OF SAN MATEO, HAVE JUDGMENT AGAINST DEFENDANT  
HEREIN IN THE SUM OF \$363.00 .

06/12/2002	Conversion Event <i>FDPJA:</i> <i>PETITION AND JUDGEMENT. APPOINTED ATTORNEY FEES PURSUANT TO PC 987.8/987.81 FILED.</i>
06/12/2002	Conversion Event <i>MIRFL:</i> <i>FILE RETURNED TO CLERK'S OFFICE.</i>
06/04/2002	Conversion Event <i>MISEN:</i> <i>FILE SENT TO JUDGE BERGERON FOR 987</i>
05/29/2002	Conversion Event <i>MIENT:</i> <i>ENTERED BY DLEWIS ON 05/29/2002 .</i>
05/29/2002	Conversion Event <i>SHOTA:</i> <i>CASE CONTINUED TO 08/28/2002 AT 9:00 A.M. IN REDWOOD CITY IN DEPT. DV FOR PROGRESS REPORT .</i>
05/29/2002	Conversion Event <i>DVPRR:</i> <i>PROGRESS REPORT RECEIVED.</i>
05/29/2002	Conversion Event <i>DVCOM:</i> <i>DOMESTIC VIOLENCE BASED COMPLAINT.</i>
05/29/2002	Conversion Event <i>APWOC:</i> <i>DEFENDANT APPEARED WITHOUT COUNSEL.</i>
05/29/2002	Conversion Event <i>HHPRT:</i> <i>PROGRESS REPORT</i>
05/29/2002	Conversion Event <i>HHELD:</i> <i>HEARING HELD ON 05/29/02 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH , D- 3 . HON. BETH LABSON FREEMAN, JUDGE , PRESIDING. CLERK: JAN ANTONINI . REPORTER: ELENA R VARELA . CLERK2: DINA LEWIS . DEPUTY D.A. HOLT . DEFENSE COUNSEL PRESENT: NONE .</i>
05/28/2002	Conversion Event <i>SHRES:</i> <i>CASE SHIFTED FROM HEARING ON 05/29/2002 AT 9:00 A.M. IN DEPARTMENT DV OF SUPERIOR COURT SOUTHERN BRANCH TO HEARING ON 05/29/2002 AT 9:00 A.M. IN DEPARTMENT 3 OF SUPERIOR COURT SOUTHERN BRANCH .</i>
02/27/2002	Conversion Event <i>MIENT:</i> <i>ENTERED BY GPOTTER ON 02/27/2002 .</i>
02/27/2002	Conversion Event <i>SHOTA:</i> <i>CASE CONTINUED TO 05/29/2002 AT 9:00 A.M. IN REDWOOD CITY IN DEPT. DV FOR PROGRESS REPORT .</i>

CRIMINAL  
**CASE SUMMARY**  
CASE NO. [REDACTED]

02/27/2002	Conversion Event <i>DVPRR:</i> <i>PROGRESS REPORT RECEIVED.</i>
02/27/2002	Conversion Event <i>DVCOM:</i> <i>DOMESTIC VIOLENCE BASED COMPLAINT.</i>
02/27/2002	Conversion Event <i>APWOC:</i> <i>DEFENDANT APPEARED WITHOUT COUNSEL.</i>
02/27/2002	Conversion Event <i>HHPR:</i> <i>PROGRESS REPORT</i>
02/27/2002	Conversion Event <i>HHELD:</i> <i>HEARING HELD ON 02/27/02 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH ,</i> <i>D- 3 . HON. BETH FREEMAN-LABSON, JUDGE , PRESIDING. CLERK: JANICE</i> <i>ANTONINI . REPORTER: CHRIS PEREZ . CLERK2: GINA POTTER . DEPUTY D.A.</i> <i>ELAINE TIPTON . DEFENSE COUNSEL PRESENT: SCOTT .</i>
02/26/2002	Conversion Event <i>SHRES:</i> <i>CASE SHIFTED FROM HEARING ON 02/27/2002 AT 9:00 A.M. IN DEPARTMENT DV OF</i> <i>SUPERIOR COURT SOUTHERN BRANCH TO HEARING ON 02/27/2002 AT 9:00 A.M. IN</i> <i>DEPARTMENT 3 OF SUPERIOR COURT SOUTHERN BRANCH .</i>
01/23/2002	Conversion Event <i>MIENT:</i> <i>ENTERED BY S.HARRIS ON 02/27/2002 .</i>
01/23/2002	Conversion Event <i>SHOTA:</i> <i>CASE CONTINUED TO 02/27/2002 AT 9:00 A.M. IN REDWOOD CITY IN DEPT. DV FOR</i> <i>PROGRESS REPORT .</i>
01/23/2002	Conversion Event <i>DVPOE:</i> <i>DEFENDANT SHOWED PROOF OF ENROLLMENT IN DOMESTIC VIOLENCE</i> <i>BATTERERS'TREATMENT PROGRAM.</i>
01/23/2002	Conversion Event <i>DVPRR:</i> <i>PROGRESS REPORT RECEIVED.</i>
01/23/2002	Conversion Event <i>DVCOM:</i> <i>DOMESTIC VIOLENCE BASED COMPLAINT.</i>
01/23/2002	Conversion Event <i>APPRO:</i> <i>PROBATION OFFICER ARMIJO PRESENT IN COURT.</i>
01/23/2002	Conversion Event <i>APWOC:</i> <i>DEFENDANT APPEARED WITHOUT COUNSEL.</i>
01/23/2002	Conversion Event <i>HHPOE:</i> <i>PROOF OF ENROLLMENT</i>

CRIMINAL  
**CASE SUMMARY**  
CASE NO. [REDACTED]

01/23/2002	Conversion Event <i>HHELD:</i> <i>HEARING HELD ON 01/23/02 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH, D- 3 . HON. BETH FREEMAN-LABSON, JUDGE , PRESIDING. CLERK: JANICE ANTONINI . REPORTER: ELENA VARELA . CLERK2: SANDY HARRIS . DEPUTY D.A. TIPTON . DEFENSE COUNSEL PRESENT: NONE .</i>
01/22/2002	Conversion Event <i>SHRES:</i> <i>CASE SHIFTED FROM HEARING ON 01/23/2002 AT 9:00 A.M. IN DEPARTMENT DV OF SUPERIOR COURT SOUTHERN BRANCH TO HEARING ON 01/23/2002 AT 9:00 A.M. IN DEPARTMENT 3 OF SUPERIOR COURT SOUTHERN BRANCH .</i>
01/17/2002	Conversion Event <i>SECJF:</i> <i>CERTIFICATION OF JUDGEMENT FOR CRIMINAL JUSTICE ADMINISTRATION FEE SIGNED AND ISSUED.</i>
01/17/2002	Conversion Event <i>FDCII:</i> <i>CII FORWARDED TO ARRESTING AGENCY.</i>
01/16/2002	Conversion Event <i>MIENT:</i> <i>ENTERED BY S.MORENO ON 01/16/2002 .</i>
01/16/2002	Conversion Event <i>SHOTA:</i> <i>CASE CONTINUED TO 01/23/2002 AT 9:00 A.M. IN REDWOOD CITY IN DEPT. DV FOR PROOF OF ENROLLMENT .</i>
01/16/2002	Conversion Event <i>APPRO:</i> <i>PROBATION OFFICER ARMIJO PRESENT IN COURT.</i>
01/16/2002	Conversion Event <i>APWOC:</i> <i>DEFENDANT APPEARED WITHOUT COUNSEL.</i>
01/16/2002	Conversion Event <i>HHPOE:</i> <i>PROOF OF ENROLLMENT</i>
01/16/2002	Conversion Event <i>HHELD:</i> <i>HEARING HELD ON 01/16/02 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH, D- 3 . HON. BETH FREEMAN-SUPERIOR CT, JUDGE , PRESIDING. CLERK: JANICE ANTONINI . REPORTER: CHRIS PEREZ . CLERK2: SARAI MORENO . DEPUTY D.A. TIPTON . DEFENSE COUNSEL PRESENT: NONE .</i>
01/15/2002	Conversion Event <i>SHRES:</i> <i>CASE SHIFTED FROM HEARING ON 01/16/2002 AT 9:00 A.M. IN DEPARTMENT DV OF SUPERIOR COURT SOUTHERN BRANCH TO HEARING ON 01/16/2002 AT 9:00 A.M. IN DEPARTMENT 3 OF SUPERIOR COURT SOUTHERN BRANCH .</i>
01/10/2002	Conversion Event <i>BBEXD:</i> <i>BAIL BOND NUMBER AL25-742563 FOR \$25,000.00 EXONERATED.</i>
01/02/2002	<b>Plea (Judicial Officer: SUPERIOR COURT JUDGE, SAN MATEO COUNTY)</b> 005. PC242-MISD-BATTERY

CRIMINAL  
**CASE SUMMARY**  
CASE NO. [REDACTED]

No Contest / Nolo Contendere  
Charge #: 005 Allegation:

01/02/2002

**Disposition**  
005. PC242-MISD-BATTERY  
Pled Nolo Contendere  
Charge #: 005 Allegation:

01/02/2002

**Disposition**  
004. PC273A(B)-ENDANGER-MISD-CRUELTY TO CHILD BY ENDANGERING HEALTH  
Dismissal: Negotiated Plea  
Charge #: 004 Allegation:

01/02/2002

**Disposition**  
003. PC236-MISD-FALSE IMPRISONMENT  
Dismissal: Negotiated Plea  
Charge #: 003 Allegation:

01/02/2002

**Disposition**  
002. PC243(E)-MISD-BATTERY--FORMER SPOUSE, BOY/GIRL FRIEND, NON-COHABITANT  
Dismissal: Negotiated Plea  
Charge #: 002 Allegation:

01/02/2002

**Disposition**  
001. PC273.5(A)-MISD-INFLICT CORPORAL INJURY ON SPOUSE/COHABITANT  
Dismissal: Negotiated Plea  
Charge #: 001 Allegation:

01/02/2002

Conversion Event  
*MIENT:*  
*ENTERED BY S.MORENO ON 01/02/2002 .*

01/02/2002

Conversion Event  
*MIPPU:*  
*THE ORDER EXPIRES ON 01/02/2005*

01/02/2002

Conversion Event  
*MIPPS:*  
*NAME OF PROTECTED PERSONS: RICHELLE NIQ, BABY DOE*

01/02/2002

Conversion Event  
*MIPPR:*  
*THE PROTECTED PERSON MAY RECORD ANY PROHIBITED COMMUNICATIONS MADE TO HIM OR HER BY THE RESTRAINED PERSON.*

01/02/2002

Conversion Event  
*MIPPP:*  
*GOOD CAUSE APPEARING, THE COURT ORDERS THE ABOVE-NAMED DEFENDANT SHALL NOT COME WITHIN 100 YARDS OF THE PROTECTED PERSONS NAMED BELOW.*

01/02/2002

Conversion Event  
*MIPPO:*  
*GOOD CAUSE APPEARING, TH COURT ORDERS THE ABOVE-NAMED DEFENDANT*

CRIMINAL  
**CASE SUMMARY**  
CASE NO. [REDACTED]

*SHALL HAVE NO CONTACT WITH THE PROTECTED PERSONS NAMED BELOW THROUGH A THIRD PARTY, EXCEPT AN ATTORNEY OF RECORD.*

- 01/02/2002    Conversion Event  
*MIPPM:  
GOOD CAUSE APPEARING, THE COURT ORDERS THE ABOVE-NAMED DEFENDANT SHALL HAVE NO PERSONAL, TELEPHONIC, OR WRITTEN CONTACT WITH THE PROTECTED PERSONS NAMED BELOW.*
- 01/02/2002    Conversion Event  
*MIPPI:  
GOOD CAUSE APPEARING, THE COURT ORDERS THE ABOVE-NAMED DEFENDANT MUST SURRENDER TO LOCAL LAW ENFORCEMENT OR SELL TO LICENSED GUN DEALER ANY FIREARM IN OR SUBJECT TO HIS OR HER IMMEDIATE POSSESSION OR CONTROL WITHIN 24 HOURS AFTER ISSUANCE OF THIS ORDER.*
- 01/02/2002    Conversion Event  
*MIPPG:  
GOOD CAUSE APPEARING, THE COURT ORDERS THE ABOVE-NAMED DEFENDANT SHALL NOT ATTEMPT TO OR ACTUALLY PREVENT OR DISSUADE ANY VICTIM OR WITNESS FROM ATTENDING A HEARING OR TESTIFYING OR MAKING A REPORT TO ANY LAW ENFORCEMENT AGENCY OR PERSON.*
- 01/02/2002    Conversion Event  
*MIPPF:  
GOOD CAUSE HEARING, THE COURT ORDERS THE ABOVE-NAMED DEFENDANT SHALL NOT ANNOY, HARASS, STRIKE, THREATEN, SEXUALLY ASSAULT, BATTER, STALK, DESTROY PERSONAL PROPERTY OF, OR OTHERWISE DISTURB THE PEACE OF THE PROTECTED PERSONS NAMED BELOW.*
- 01/02/2002    Conversion Event  
*MIPPE:  
DEFENDANT WAS PERSONALLY PRESENT AT THE COURT HEARING AND NO ADDITIONAL PROOF OF SERVICE OF THE RESTRAINING ORDER IS REQUIRED.*
- 01/02/2002    Conversion Event  
*MIPPD:  
THIS PROCEEDING WAS HEARD ON 01/02/2002 AT 1:29 P.M. IN DEPT: 3 BY JUDICIAL OFFICER JUDGE FREEMAN*
- 01/02/2002    Conversion Event  
*MIPPA:  
PERSON TO BE RESTRAINED E [REDACTED] W [REDACTED]*
- 01/02/2002    Conversion Event  
*MIASE:  
ALL SENTENCE ELEMENTS FOR THIS PROCEEDING ENTERED.*
- 01/02/2002    Conversion Event  
*SEACP:  
DEFENDANT ACCEPTED TERMS AND CONDITIONS OF PROBATION.*
- 01/02/2002    Conversion Event  
*SEEMO:  
DEFENDANT TO PARTICIPATE IN ANY EDUCATION, REHABILITATION OR TREATMENT PROGRAM AS DIRECTED BY PROBATION OFFICER.*
- 01/02/2002    Conversion Event  
*DVECO:  
DEFENDANT ORDERED TO ENROLL IN DOMESTIC VIOLENCE COUNSELING WITHIN 13 DAYS.*
- 01/02/2002    Conversion Event

CRIMINAL  
**CASE SUMMARY**  
CASE NO. [REDACTED]

*CSORI:  
MAKE ALL APPEARANCES/APPOINTMENTS AS DIRECTED.*

- 01/02/2002 Conversion Event  
*SESUF:  
DEFENDANT TO PAY A SUPERVISED PROBATION FEE IN THE AMOUNT NOT TO EXCEED \$180.00 , PURSUANT TO PC 1203.1B, PAYABLE THROUGH THE PROBATION DEPARTMENT.*
- 01/02/2002 Conversion Event  
*MIPPF:  
GOOD CAUSE HEARING, THE COURT ORDERS THE ABOVE-NAMED DEFENDANT SHALL NOT ANNOY, HARASS, STRIKE, THREATEN, SEXUALLY ASSAULT, BATTER, STALK, DESTROY PERSONAL PROPERTY OF, OR OTHERWISE DISTURB THE PEACE OF THE PROTECTED PERSONS NAMED BELOW.*
- 01/02/2002 Conversion Event  
*SECDV:  
COMPLETE AT LEAST 104 HOURS OF DOMESTIC VIOLENCE COUNSELING WITHIN 12 MONTHS, ENROLL AND SHOW PROOF OF ENROLLMENT TO THE COURT/PROBATION DEPARTMENT WITHIN 14 DAYS.*
- 01/02/2002 Conversion Event  
*SEDFV:  
DEFENDANT TO PAY \$200.00 TO THE DOMESTIC VIOLENCE FUND.*
- 01/02/2002 Conversion Event  
*SEFDV:  
DEFENDANT TO PAY A \$100.00 FINE TO A BATTERED WOMEN'S SHELTER.*
- 01/02/2002 Conversion Event  
*SERPR:  
REPORT TO THE PROBATION DEPARTMENT WITHIN 3 DAYS OF SENTENCING.*
- 01/02/2002 Conversion Event  
*SENFA:  
DEFENDANT NOT TO OWN OR HAVE POSSESSION, CUSTODY OR CONTROL OF ANY WEAPON.*
- 01/02/2002 Conversion Event  
*SEFAM:  
DEFENDANT IS NOT TO OWN OR HAVE POSSESSION, CUSTODY OR CONTROL OF ANY FIREARM OR AMMUNITION.*
- 01/02/2002 Conversion Event  
*SEZIA:  
DEFENDANT TO SUBMIT PERSON / VEHICLE / PLACE OF RESIDENCE TO SEARCH AND SEIZURE AT ANY TIME OF DAY OR NIGHT, BY ANY LAW ENFORCEMENT OFFICER, WITH OR WITHOUT A WARRANT AND WITH OR WITHOUT PROBABLE CAUSE.*
- 01/02/2002 Conversion Event  
*SEOAL:  
OBEY ALL LAWS. FOLLOW ALL ORDERS OF THE COURT/PROBATION OFFICER AND REPORT AS DIRECTED. NOTIFY THE COURT/ PROBATION OFFICER IMMEDIATELY OF ANY CHANGE OF RESIDENCE ADDRESS.*
- 01/02/2002 Conversion Event  
*SEPRO:  
DEFENDANT TO PAY FINE AND ASSESSMENTS THROUGH PROBATION DEPARTMENT.*
- 01/02/2002 Conversion Event

CRIMINAL  
**CASE SUMMARY**  
CASE NO. [REDACTED]

*SEFEA:*  
*CRIMINAL JUSTICE ADMINISTRATION FEE OF \$178.00 ORDERED PAID TO EPA PD .*

01/02/2002 Conversion Event  
*SERET:*  
*DEFENDANT ORDERED TO PAY \$110.00 TO STATE RESTITUTION FUND. THIS PAYMENT IS A CONDITION OF PROBATION*

01/02/2002 Conversion Event  
*SESWP:*  
*DEFENDANT IS RECOMMENDED TO THE SHERIFF'S WORK PROGRAM.*

01/02/2002 Conversion Event  
*SESEJ:*  
*DEFENDANT TO SURRENDER TO COUNTY JAIL ON 02/16/2002 AT 10:00 A.M. .*

01/02/2002 Conversion Event  
*SENAF:*  
*COUNT 5 TO BE SERVED CONSECUTIVE TO ANY OTHER CASE OF DEFENDANT.*

01/02/2002 Conversion Event  
*SECTS:*  
*CREDIT FOR TIME SERVED OF 2 DAYS PLUS 0 DAYS GOOD AND WORK TIME FOR A TOTAL OF 2 DAYS.*

01/02/2002 Conversion Event  
*SECJL:*  
*AS TO COUNT 5 , DEFENDANT TO SERVE 0 YEAR(S), 0 MONTH(S), 10 DAY(S), 0 HOUR (S) IN THE COUNTY JAIL.*

01/02/2002 Conversion Event  
*SESCC:*  
*COUNT 5 IMPOSITION OF SENTENCE SUSPENDED. DEFENDANT IS PLACED ON SUPERVISED PROBATION FOR 0 YEARS; 18 MONTHS; 0 DAYS. FOLLOWED BY COURT PROBATION FOR 0 YEARS; 18 MONTHS; 0 DAYS FOR A TOTAL OF 3 YEARS; 0 MONTHS; 0 DAYS.*

01/02/2002 Conversion Event  
*MIVJT:*  
*JURY TRIAL SET ON 02/04/2002 AT 9:00 A.M. ORDERED VACATED.*

01/02/2002 Conversion Event  
*SHOTA:*  
*CASE CONTINUED TO 01/16/2002 AT 9:00 A.M. IN REDWOOD CITY IN DEPT. DV FOR PROOF OF ENROLLMENT .*

01/02/2002 Conversion Event  
*DVCOM:*  
*DOMESTIC VIOLENCE BASED COMPLAINT.*

01/02/2002 Conversion Event  
*ARWFS:*  
*DEFENDANT WAIVES FORMAL ARRAIGNMENT FOR SENTENCING.*

01/02/2002 Conversion Event  
*WTSTB:*  
*TIME WAIVED FOR SENTENCING.*

01/02/2002 Conversion Event  
*CDFRC:*  
*UPON MOTION OF THE PEOPLE ALL REMAINING COUNTS DISMISSED. REASON: NEGOTIATED PLEA.*

CRIMINAL  
**CASE SUMMARY**  
CASE NO. [REDACTED]

01/02/2002	Conversion Event <i>PLPLF:</i> DEFENDANT ENTERED A PLEA OF NOLO CONTENDERE TO COUNT 5 IN AMENDED COMPLAINT.
01/02/2002	Conversion Event <i>AMABC:</i> COMPLAINT AMENDED TO ADD COUNT 5 : MISDEMEANOR, VIOLATION OF PC 242 , ON MOTION OF THE PROSECUTION.
01/02/2002	Conversion Event <i>AMCDF:</i> COMPLAINT AMENDED ORALLY.
01/02/2002	Conversion Event <i>FDWOR:</i> DEFENDANT IS ADVISED OF, UNDERSTANDS, AND KNOWINGLY AND VOLUNTARILY WAIVES ALL THE FOLLOWING RIGHTS: WAIVES THE RIGHT TO COUNSEL; TO TRIAL BY JURY; TO CONFRONT AND CROSS-EXAMINE ADVERSE WITNESSES; THE PRIVILEGE AGAINST SELF-INCRIMINATION. THE COURT FINDS THAT THE DEFENDANT UNDERSTANDS THE NATURE OF THE CHARGES, THE ELEMENTS OF THE OFFENSE, THE DEFENSE THERETO, THE CONSEQUENCES OF PLEAS AND THE RANGE OF PENALTIES THERETO. WAIVER OF RIGHTS SIGNED.
01/02/2002	Conversion Event <i>APWAT:</i> DEFENDANT APPEARED WITH ATTORNEY SCOTT .
01/02/2002	Conversion Event <i>HHPDV:</i> DOMESTIC VIOLENCE PRE TRIAL
01/02/2002	Conversion Event <i>HHELD:</i> HEARING HELD ON 01/02/02 AT 1:29 P.M. IN SUPERIOR COURT SOUTHERN BRANCH , D- 3 . HON. BETH FREEMAN-SUPERIOR CT, JUDGE , PRESIDING. CLERK: KIM BRANSCUM . REPORTER: ELENA VARELA . CLERK2: SARAI MORENO . DEPUTY D.A. JOO . DEFENSE COUNSEL PRESENT: SCOTT .
12/31/2001	Conversion Event <i>SHRES:</i> CASE SHIFTED FROM HEARING ON 01/02/2002 AT 1:29 P.M. IN DEPARTMENT DV OF SUPERIOR COURT SOUTHERN BRANCH TO HEARING ON 01/02/2002 AT 1:29 P.M. IN DEPARTMENT 3 OF SUPERIOR COURT SOUTHERN BRANCH .
12/11/2001	<b>Plea (Judicial Officer: SUPERIOR COURT JUDGE, SAN MATEO COUNTY)</b> 004. PC273A(B)-ENDANGER-MISD-CRUELTY TO CHILD BY ENDANGERING HEALTH Not Guilty Charge #: 004 Allegation:
12/11/2001	<b>Plea (Judicial Officer: SUPERIOR COURT JUDGE, SAN MATEO COUNTY)</b> 003. PC236-MISD-FALSE IMPRISONMENT Not Guilty Charge #: 003 Allegation:
12/11/2001	<b>Plea (Judicial Officer: SUPERIOR COURT JUDGE, SAN MATEO COUNTY)</b> 002. PC243(E)-MISD-BATTERY--FORMER SPOUSE, BOY/GIRL FRIEND, NON-COHABITANT Not Guilty Charge #: 002 Allegation:

CRIMINAL  
**CASE SUMMARY**  
CASE NO. [REDACTED]

12/11/2001	<b>Plea</b> (Judicial Officer: SUPERIOR COURT JUDGE, SAN MATEO COUNTY) 001. PC273.5(A)-MISD-INFLICT CORPORAL INJURY ON SPOUSE/COHABITANT Not Guilty Charge #: 001 Allegation:
12/11/2001	Conversion Event <i>MIENT:</i> ENTERED BY U. HAWKINS ON 12/11/2001 .
12/11/2001	Conversion Event <i>MIPPV:</i> IF NO DATE IS LISTED, THIS ORDER EXPIRES THREE YEARS FROM THE DATE OF ISSUANCE.
12/11/2001	Conversion Event <i>OTHER:</i> REGULAR VISITS WITH REGARD TO CHILD ONLY AS PRESCRIBED BY DOMESTIC RELATIONS DEPARTMENT
12/11/2001	Conversion Event <i>MIPPS:</i> NAME OF PROTECTED PERSONS: CONFIDENTIAL
12/11/2001	Conversion Event <i>MIPPP:</i> GOOD CAUSE APPEARING, THE COURT ORDERS THE ABOVE-NAMED DEFENDANT SHALL NOT COME WITHIN 100 YARDS OF THE PROTECTED PERSONS NAMED BELOW.
12/11/2001	Conversion Event <i>MIPPO:</i> GOOD CAUSE APPEARING, TH COURT ORDERS THE ABOVE-NAMED DEFENDANT SHALL HAVE NO CONTACT WITH THE PROTECTED PERSONS NAMED BELOW THROUGH A THIRD PARTY, EXCEPT AN ATTORNEY OF RECORD.
12/11/2001	Conversion Event <i>MIPPM:</i> GOOD CAUSE APPEARING, THE COURT ORDERS THE ABOVE-NAMED DEFENDANT SHALL HAVE NO PERSONAL, TELEPHONIC, OR WRITTEN CONTACT WITH THE PROTECTED PERSONS NAMED BELOW.
12/11/2001	Conversion Event <i>MIPPI:</i> GOOD CAUSE APPEARING, THE COURT ORDERS THE ABOVE-NAMED DEFENDANT MUST SURRENDER TO LOCAL LAW ENFORCEMENT OR SELL TO LICENSED GUN DEALER ANY FIREARM IN OR SUBJECT TO HIS OR HER IMMEDIATE POSSESSION OR CONTROL WITHIN 24 HOURS AFTER ISSUANCE OF THIS ORDER.
12/11/2001	Conversion Event <i>MIPPG:</i> GOOD CAUSE APPEARING, THE COURT ORDERS THE ABOVE-NAMED DEFENDANT SHALL NOT ATTEMPT TO OR ACTUALLY PREVENT OR DISSUADE ANY VICTUM OR WITNESS FROM ATTENDING A HEARING OR TESTIFYING OR MAKING A REPORT TO ANY LAW ENFORCEMENT AGENCY OR PERSON.
12/11/2001	Conversion Event <i>MIPPF:</i> GOOD CAUSE HEARING, THE COURT ORDERS THE ABOVE-NAMED DEFENDANT SHALL NOT ANNOY, HARASS, STRIKE, THREATEN, SEXUALLY ASSAULT, BATTER, STALK, DESTROY PERSONAL PROPERTY OF, OR OTHERWISE DISTURB THE PEACE

CRIMINAL  
**CASE SUMMARY**  
CASE NO. [REDACTED]

*OF THE PROTECTED PERSONS NAMED BELOW.*

- 12/11/2001 Conversion Event  
*MIPPE:  
DEFENDANT WAS PERSONALLY PRESENT AT THE COURT HEARING AND NO  
ADDITIONAL PROOF OF SERVICE OF THE RESTRAINING ORDER IS REQUIRED.*
- 12/11/2001 Conversion Event  
*MIPPD:  
THIS PROCEEDING WAS HEARD ON 12/11/2001 AT 9:00 A.M. IN DEPT: 29 BY JUDICIAL  
OFFICER JNG*
- 12/11/2001 Conversion Event  
*MIPPA:  
PERSON TO BE RESTRAINED E [REDACTED] W [REDACTED]*
- 12/11/2001 Conversion Event  
*MIPPW:  
PROTECTIVE ORDER PENDING TRIAL. DEFENDANT SHALL HAVE PEACEFUL  
CONTACT WITH THE PROTECTED PERSONS NAME ABOVE FOR COURT-ORDERED  
VISITATION AS ORDERED IN PRIOR OR SUBSEQUENT FAMILY COURT AND  
JUVENILE COURT ORDERS AS AN EXEMPTION TO THE "NO CONTACT" AND "STAY  
AWAY" PROVISIONS OF THIS ORDER.*
- 12/11/2001 Conversion Event  
*SHOTA:  
CASE CONTINUED TO 02/04/2002 AT 9:00 A.M. IN REDWOOD CITY IN DEPT. JT FOR  
JURY TRIAL. .*
- 12/11/2001 Conversion Event  
*SHOTA:  
CASE CONTINUED TO 01/02/2002 AT 1:29 P.M. IN REDWOOD CITY IN DEPT. DV FOR  
DOMESTIC VIOLENCE PRE-TRIAL .*
- 12/11/2001 Conversion Event  
*DVCOM:  
DOMESTIC VIOLENCE BASED COMPLAINT.*
- 12/11/2001 Conversion Event  
*WTIMJ:  
TIME WAIVED FOR JURY TRIAL.*
- 12/11/2001 Conversion Event  
*PLEDA:  
DEFENDANT ENTERED A PLEA OF NOT GUILTY TO ALL COUNTS.*
- 12/11/2001 Conversion Event  
*SECAG:  
DEFENDANT ORDERED TO REPORT TO REVENUE SERVICES TODAY PURSUANT TO  
PENAL CODE 987.81 TO DETERMINE ABILITY TO REIMBURSE COST OF COURT  
APPOINTED COUNSEL.*
- 12/11/2001 Conversion Event  
*PDREF:  
THE COURT WILL MAKE A DETERMINATION OF YOUR ABILITY TO PAY ALL OR A  
PORTION OF THE COST OF THE ATTORNEY. IF THE COURT DETERMINES THAT YOU  
HAVE THE FINANCIAL ABILITY TO PAY ALL OR SOME OF THOSE COSTS, THE COURT  
WILL MAKE AN ORDER THAT YOU REIMBURSE THE COUNTY TO THE EXTENT AND  
IN THE MANNER THAT THE COURT FINDS REASONABLE . AN ORDER TO REIMBURSE  
THE COUNTY FOR COURT-APPOINTED COUNSEL FEES WILL HAVE THE SAME  
FORCE AND EFFECT AS A JUDGMENT IN A CIVIL ACTION AND SHALL BE SUBJECT  
TO EXECUTION. BEFORE THE COURT MAKES SUCH AN ORDER, YOU ARE ENTITLED  
TO REQUEST AND HAVE A HEARING ON THE QUESTION OF WHETHER OR NOT YOU*

CRIMINAL  
**CASE SUMMARY**  
CASE NO. [REDACTED]

HAVE THE FINANCIAL ABILITY TO PAY SOME OR ALL OF THE COURT-APPOINTED COUNSEL FEE. YOU HAVE THE RIGHT TO BE HEARD IN PERSON, PRESENT WITNESSES AND OTHER DOCUMENTARY EVIDENCE, TO CONFRONT AND CROSS EXAMINE ADVERSE WITNESSES, HAVE THE EVIDENCE AGAINST YOU DISCLOSED TO YOU AND A WRITTEN STATEMENT OF THE FINDINGS OF THE COURT. IF YOU DO NOT REQUEST SUCH A HEARING, YOU WILL BE GIVING UP YOUR RIGHT TO SUCH A HEARING. IF AN ATTORNEY IS APPOINTED TO REPRESENT YOU, YOU WILL BE ORDERED TO APPEAR TODAY BEFORE THE REVENUE SERVICES MANAGER FOR A DETERMINATION OF YOUR ABILITY TO PAY THE COST OF LEGAL ASSISTANCE PROVIDED. SHOULD YOU FAIL TO APPEAR BEFORE THE REVENUE SERVICES MANAGER TODAY AS ORDERED, S/HE WILL REPORT SUCH FAILURE AND RECOMMEND THAT THE COURT ORDER PAYMENT OF THE FULL COSTS.

12/11/2001	Conversion Event <i>ARWVE:</i> FURTHER ARRAIGNMENT AND ADVISE OF RIGHTS WAIVED.
12/11/2001	Conversion Event <i>PAAPT:</i> APPOINT PRIVATE DEFENDER. DEFENDANT ADVISED THAT UPON CONCLUSION OF THE CASE THE COURT MAY CONDUCT A HEARING TO DETERMINE THE DEFENDANT'S THEN ABILITY TO PAY FOR ALL OR ANY PART OF APPOINTED COUNSEL AND THAT DEFENDANT MAY BE ORDERED TO PAY ALL OR THAT PART OF SAID COSTS WITHIN DEFENDANT'S ABILITY TO PAY.
12/11/2001	Conversion Event <i>RAACR:</i> DEFENDANT ARRAIGNED AND ADVISED OF THE FOLLOWING RIGHTS: TO THE VARIOUS PLEAS AVAILABLE; TO A SPEEDY PUBLIC TRIAL FROM THE DATE OF ARRAIGNMENT, WITHIN 30 DAYS IF IN CUSTODY, WITHIN 45 DAYS IF NOT IN CUSTODY, OTHERWISE, THE MATTER MUST BE DISMISSED; TO THE AID OF THE COURT TO SUBPOENA AND PRODUCE WITNESSES ON OWN BEHALF, TO CONFRONT AND EXAMINE ADVERSE WITNESSES; TO A TRIAL BY JURY; IF CONVICTED, TO BE SENTENCED NOT SOONER THAN 6 HOURS NOR LATER THAN 5 DAYS OR WITHIN 20 COURT DAYS IF REFERRED TO PROBATION OFFICE; TO THE AID OF AN ATTORNEY AT ALL STAGES OF THE PROCEEDINGS; THAT THE COURT WILL APPOINT AN ATTORNEY IF DEFENDANT IS UNABLE TO EMPLOY OWN; TO A REASONABLE LENGTH OF TIME TO CONSULT AN ATTORNEY; DEFENDANT ADVISED, IF NOT A CITIZEN, THAT CONVICTION OF THE OFFENSE WITH WHICH HE HAS BEEN CHARGED MAY RESULT IN DEPORTATION, EXCLUSION OF ADMISSION TO THE UNITED STATES, OR DENIAL OF NATURALIZATION PURSUANT TO THE LAWS OF THE UNITED STATES.
12/11/2001	Conversion Event <i>APWOC:</i> DEFENDANT APPEARED WITHOUT COUNSEL.
12/11/2001	Conversion Event <i>FDSPT:</i> STIPULATION RE: JUDGE PRO TEMPORE HEARING MATTER.
12/11/2001	Conversion Event <i>HHADV:</i> DOMESTIC VIOLENCE COMPLAINT ARRAIGNMENT
12/11/2001	Conversion Event <i>HHELD:</i> HEARING HELD ON 12/11/01 AT 9:00 A.M. IN SUPERIOR COURT SOUTHERN BRANCH, D- 29. HON. JOSEPH N GRUBER, COURT COMMISSIONER, PRESIDING. CLERK: IRENE GRAY. REPORTER: TRACY WOOD. CLERK2: URSULA HAWKINS. DEPUTY D.A. MAHONEY. DEFENSE COUNSEL PRESENT: NONE.
12/10/2001	Conversion Event <i>SHRES:</i>

CRIMINAL  
**CASE SUMMARY**  
CASE NO. [REDACTED]

*CASE SHIFTED FROM HEARING ON 12/11/2001 AT 9:00 A.M. IN DEPARTMENT AR OF SUPERIOR COURT SOUTHERN BRANCH TO HEARING ON 12/11/2001 AT 9:00 A.M. IN DEPARTMENT 29 OF SUPERIOR COURT SOUTHERN BRANCH.*

12/07/2001	Conversion Event <i>BBBBP: \$25,000.00 BAIL BOND NUMBER AL25-742563 POSTED ON 11/03/2001 BY ALISTAR SURETY COMPANY ALADDIN BAIL BOND COMPANY FOR DEFENDANT APPEARANCE ON 12/11/2001 AT 9:00 A.M..</i>
12/07/2001	Conversion Event <i>DVCOM: DOMESTIC VIOLENCE BASED COMPLAINT.</i>
12/07/2001	Conversion Event <i>FDCJR: AFFIDAVIT OF COSTS FOR CRIMINAL JUSTICE ADMINISTRATION FEE, RECEIVED.</i>

DISTRICT ATTORNEY

2020 OCT 22 P 3:05

**From:** [Craig Grogan](#)  
**To:** [Birgit Fladager](#); [Dave Harris](#)  
**Subject:** FW: Contact info  
**Date:** Thursday, October 22, 2020 3:59:19 PM  
**Attachments:** BI-2010-21418 K [REDACTED].doc,  
Purge Letter MVPD Case 009371.pdf,  
image001.png

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**From:** [REDACTED] <[REDACTED]@[REDACTED].g>  
**Sent:** Thursday, October 22, 2020 3:29 PM  
**To:** Craig Grogan <[REDACTED]>  
**Subject:** RE: Contact info

Investigator Grogan,

Attached please find the documents you requested.

Please let me know how else I can be of assistance.

Kind regards,

[REDACTED]  
[REDACTED]  
Team Leader for the Homicide, Gangs, CSU and CalWrap Units  
Santa Clara County District Attorney's Office – Bureau of Investigation  
Desk: [REDACTED]  
[\[REDACTED\]](#)

---

**From:** Craig Grogan <[REDACTED]@[REDACTED].g>  
**Sent:** Wednesday, October 21, 2020 4:54 PM  
**To:** [REDACTED] <[REDACTED]>  
**Subject:** [EXTERNAL] RE: Contact info

[REDACTED]

Regarding the vandalism case I would like to request just the criminal complaint from the DA's Office and the minute order, or change of plea, or entry of plea form.

I will request additional information if needed but that is all we need for right now.

Thank you,

Craig Grogan  
Criminal Investigator  
Bureau of Investigation  
Stanislaus County District Attorney  
832 12<sup>th</sup> Street Rm 300  
Modesto CA. 95354

[REDACTED]  
[REDACTED]  
[REDACTED]



---

**From:** [REDACTED] <[REDACTED]>  
**Sent:** Wednesday, October 21, 2020 2:16 PM  
**To:** Craig Grogan <[REDACTED]>  
**Subject:** Contact info

Craig,

This is a follow up email to provide my contact info.

I will be in touch.

[REDACTED]  
[REDACTED]

Team Leader for the Homicide, Gangs, CSU and CalWrap Units  
Santa Clara County District Attorney's Office – Bureau of Investigation

Desk: [REDACTED]

Cell: [REDACTED]

[REDACTED] g

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA CLARA  
PALO ALTO FACILITY  
COMPLAINT FOR ARREST WARRANT(S)  
M [REDACTED] K [REDACTED]

THE PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff,

MISDEMEANOR COMPLAINT

vs.

DA NO: 001028711

CEN

\* MK WARR \*

M [REDACTED] [REDACTED] ([REDACTED]),  
2724 XAVIER ST., EAST PALO ALTO, CA 94383  
Defendant(s)

The undersigned is informed and believes that:

**COUNT 1**

On or about September 22, 2000, in the County of Santa Clara, State of California, the crime of VANDALISM -- LESS THAN FOUR HUNDRED DOLLARS, in violation of PENAL CODE SECTION 594(a)/(b)(2)(A), a Misdemeanor, was committed by M [REDACTED] K [REDACTED] who did maliciously damage and destroy property, car tires, not his/her own, in the amount of less than four hundred dollars (\$400).

**COUNT 2**

On or about September 22, 2000, in the County of Santa Clara, State of California, the crime of VANDALISM -- LESS THAN FOUR HUNDRED DOLLARS, in violation of PENAL CODE SECTION 594(a)/(b)(2)(A), a Misdemeanor, was committed by M [REDACTED] K [REDACTED] who did maliciously damage and destroy property, front door, not his/her own, in the amount of less than four hundred dollars (\$400).

**DISCOVERY REQUEST**

Pursuant to Penal Code sections 1054 through 1054.7, the People request that, within 15 days, the defendant and/or his/her attorney disclose: (A) The names and addresses of persons, other than the defendant, he/she intends to call as witnesses at trial, together with any relevant written or recorded statements of those persons, or reports of the statements of those persons, including any reports or statements of experts made in connection with the case, and including the results of physical or mental examinations, scientific tests, experiments, or comparisons which the defendant intends to offer in evidence at the trial; (B) Any real evidence which the defendant intends to offer in evidence at the trial. This request is a continuing request, to cover not only all such material currently in existence, but all material which comes into existence to the conclusion of this case.

Further, attached and incorporated by reference are official reports and documents of a law enforcement agency which the complainant believes establish probable cause for the arrest of defendant M [REDACTED] K [REDACTED], for the above-listed crimes. Wherefore, A WARRANT OF ARREST IS REQUESTED.

Complainant therefore requests that the defendant(s) be dealt with according to law.

I certify under penalty of perjury that the above is true and correct.

Executed on October 5, 2000, in SANTA CLARA County, California.

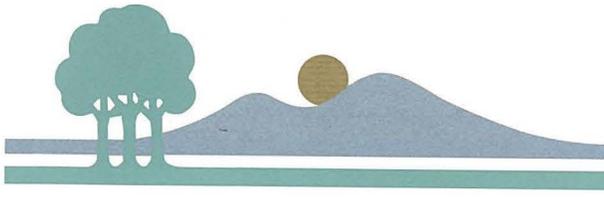
Warrant received for service by:

\_\_\_\_\_  
on \_\_\_\_\_  
Cash or Bond \$ \_\_\_\_\_

\_\_\_\_\_  
Johnston J8444  
(Ledang L3953)  
MVPD (650) 903-6344 009371 \*\*\*  
DURMAN/ D441/ MISDEMEANOR/ rc

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT





# CITY OF MOUNTAIN VIEW

RECORDS DIVISION • POLICE DEPARTMENT  
1000 Villa Street • Mountain View, California 94041-1294  
650-903-6344 • FAX 650-964-2202

[REDACTED]

On October 21, 2020, you requested case 00-09371, which this department no longer retains. As of May 2010, the City of Mountain View Police Department's retention schedule authorized purging of these cases. The retention period for these types of cases is 10 years. Therefore, we no longer have the report you are requesting for the incident which occurred in the year 2000.

If you are requesting final court disposition, this information must be obtained through the courts. If an arrest happened in Mountain View, contact the Palo Alto Superior Court at (650) 462-3811.

If you have any further questions, please contact the Records Unit at (650) 903-6344.

Sincerely,

[REDACTED]

[REDACTED]

[REDACTED]